

**FRIDAY, APRIL 27, 2012**

**EIGHTY-FIRST LEGISLATIVE DAY**

The House met at 10:30 a.m. and was called to order by Madam Speaker Harwell.

The proceedings were opened with prayer by Representative McDonald.

Representative McDonald led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present..... 93

Representatives present were Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 93

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative B. Cooper; personal

Representative Hawk; business

Representative Odom; business

Representative Tindell; personal

Representative Wirgau

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 597** Rep(s). Hardaway as prime sponsor(s).

**House Bill No. 1854** Rep(s). Lundberg, R. Williams, McManus, White, D. Miller, Montgomery and Sparks as prime sponsor(s).

**House Bill No. 2928** Rep(s). Brown, Moore, Cobb, Windle, Ford and Hardaway as prime sponsor(s).

**House Bill No. 2969** Rep(s). Powers as prime sponsor(s).

**House Bill No. 3621** Rep(s). K. Brooks, Butt and Sparks as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 922; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

**Senate Joint Resolution No. 922** -- Memorials, Death - John Calvin Henry. by \*Massey, \*Yager, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketrone, \*Kyle, \*Marrero, \*McNally, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Ramsey.

**PRESENT IN CHAMBER**

Representative(s) Marsh was/were recorded as being present in the Chamber.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the following resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Resolution No. 298** -- General Assembly, Statement of Intent or Position - Opposes the location of a proposed rock quarry in Sumner County. by \*McDonald, Maggart, Weaver, Hawk.

House State and Local Government Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar No. 2 for April 27, 2012:

**House Resolution No. 301** -- Memorials, Retirement - Oakdale Mayor Vic Jeffers. by \*Windle.

**House Resolution No. 302** -- Memorials, Interns - Joseph Michael Hodge. by \*Coley.

**House Resolution No. 303** -- Memorials, Recognition - International Storytelling Center. by \*Hill, \*Ford.

**House Resolution No. 304** -- Memorials, Retirement - Bill McPheeters. by \*Cobb.

**House Joint Resolution No. 1141** -- Memorials, Academic Achievement - Kaitlin Carter, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1143** -- Memorials, Recognition - SSG LaWanda Lollar, Tennessee National Guard. by \*Camper.

**House Joint Resolution No. 1144** -- Memorials, Academic Achievement - Emily Marsh, Valedictorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1145** -- Memorials, Academic Achievement - Ashton Daniel, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1146** -- Memorials, Academic Achievement - Amy Fottrell, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1147** -- Memorials, Academic Achievement - Shelbi Bertsch, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1148** -- Memorials, Academic Achievement - Mara Thompson, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1150** -- Memorials, Academic Achievement - Derquazia Smartt, Valedictorian, Howard School of Academics and Technology. by \*Brown.

**House Joint Resolution No. 1151** -- Memorials, Interns - Daniel Raphael Patterson. by \*Brown.

**House Joint Resolution No. 1152** -- Memorials, Death - Hunter Lane, Jr. by \*Richardson, \*Camper, \*Coley, \*Todd, \*Lollar, \*Turner J, \*Hardaway, \*Parkinson, DeBerry L, \*Kernell, \*Miller L, \*DeBerry J, \*McManus, \*White, \*Towns.

**House Joint Resolution No. 1153** -- Memorials, Recognition - Rhodes College and Cypress Middle School students featured in documentary "Far Away Next Door". by \*Kernell, \*Parkinson.

**House Joint Resolution No. 1154** -- Memorials, Recognition - Saj Crone. by \*Kernell, \*Coley.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar No. 2 for April 27, 2012:

**Senate Joint Resolution No. 922** -- Memorials, Death - John Calvin Henry. by \*Massey, \*Yager, \*Barnes, \*Beavers, \*Bell, \*Berke, \*Burks, \*Campfield, \*Crowe, \*Faulk, \*Finney L, \*Ford, \*Gresham, \*Harper, \*Haynes, \*Henry, \*Herron, \*Johnson, \*Kelsey, \*Ketron, \*Kyle, \*Marrero, \*McNally, \*Norris, \*Overbey, \*Roberts, \*Southerland, \*Stewart, \*Summerville, \*Tate, \*Tracy, \*Watson, \*Ramsey.

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**Senate Bill No. 1935** -- Physicians and Surgeons – As introduced, establishes requirements for the supervision of nurses and physician assistants by certain physicians when engaged in interventional pain management. – Amends TCA Title 63. by \*McNally. (\*HB1896 by \*Hensley)

**\*Senate Bill No. 3106** -- Taxes – As introduced, requires that a seller and certified service provider engage in at least two sales transactions, instead of one, in order to constitute a recurring business relationship for purposes of exempting them from renewing blanket sales and use tax exemption certificates. – Amends TCA Title 7 and Title 67. by \*Norris. (HB3722 by \*McCormick, \*Sargent)

**Senate Bill No. 3264** -- Sports – As introduced, revises the Tennessee Athletic Commission Act of 2008. – Amends TCA Title 68, Chapter 115. by \*Tate, \*Ketron. (\*HB3472 by \*Todd, \*Harrison)

**Senate Bill No. 3330** -- Public Officials – As introduced, revises provisions governing bonds required of certain public officials. – Amends TCA Title 5; Title 6; Title 7; Title 8; Title 9; Title 13; Title 18; Title 49; Title 54 and Title 67. by \*Ketron. (\*HB3526 by \*Haynes)

## REPORTS FROM STANDING COMMITTEES

The committees that met on **April 27, 2012**, reported the following:

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 27, 2012**: House Bill(s) No(s). 1896, 442, 2747, 2911, 2987, 3526, 3527, 3068, 2626, Senate Joint Resolution(s) No(s). 222 and House Bill(s) No(s). 2613.

The Committee further reports that House Bill No. 2562 was considered, but failed to pass.

### JUDICIARY COMMITTEE

The Judiciary Committee recommended for passage: Senate Bill(s) No(s). 3145. Under the rules, each was transmitted to the Calendar and Rules Committee.

### CONSENT CALENDAR

**Senate Joint Resolution No. 870** -- Memorials, Retirement - Dr. Donald L. Hopper. by \*Gresham.

**Senate Joint Resolution No. 871** -- Memorials, Death - Dr. Johnny Bates. by \*Gresham.

**Senate Joint Resolution No. 873** -- Memorials, Recognition - Commemorates dedication of Heritage Peace Garden on grounds of Pickett Chapel in Lebanon. by \*Beavers.

**Senate Joint Resolution No. 874** -- Memorials, Professional Achievement - Debra Martin, Wilson County Teacher of the Year. by \*Beavers.

**Senate Joint Resolution No. 875** -- Memorials, Academic Achievement - Nick Friddell, Salutatorian, Heritage Christian Academy. by \*Beavers.

**Senate Joint Resolution No. 876** -- Memorials, Academic Achievement - Mitchell White, Valedictorian, Heritage Christian Academy. by \*Beavers.

**Senate Joint Resolution No. 877** -- Memorials, Interns - Randi Perry. by \*Bell.

**Senate Joint Resolution No. 879** -- Memorials, Sports - Dresden High School football team, 2011 Division I Class 2A finalists. by \*Herron.

**Senate Joint Resolution No. 880** -- Memorials, Death - Jeremy Ryan Hill. by \*Finney L.

**Senate Joint Resolution No. 881** -- Memorials, Death - Lola Mae Blurton. by \*Finney L.

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**Senate Joint Resolution No. 882** -- Memorials, Death - Teresa Ann Holman Layne. by \*Finney L.

**Senate Joint Resolution No. 883** -- Memorials, Death - Dwayne Hill. by \*Finney L.

**Senate Joint Resolution No. 884** -- Memorials, Recognition - Liberty High School Air Force Junior Reserve Officers' Training Corps Program. by \*Finney L.

**Senate Joint Resolution No. 885** -- Memorials, Recognition - Tennessee State University, Centennial Celebration. by \*Harper.

**Senate Joint Resolution No. 887** -- Memorials, Interns - Allison Otting. by \*Kyle.

**Senate Joint Resolution No. 888** -- Memorials, Recognition - Deliverance Outreach Temple Church, 20th anniversary. by \*Barnes.

**Senate Joint Resolution No. 889** -- Memorials, Death - Dr. Jaime Virata Mangubat. by \*Gresham.

**Senate Joint Resolution No. 890** -- Memorials, Academic Achievement - SharDarius L. Gatlin, 2012 Stan and Thelma Plumlee Scholarship. by \*Gresham.

**Senate Joint Resolution No. 891** -- Memorials, Recognition - Appalachian Ballet Company, 40th anniversary. by \*Overbey.

**Senate Joint Resolution No. 894** -- Memorials, Recognition - Historic Shorter Chapel African Methodist Episcopal Church, 144th anniversary. by \*Johnson.

**Senate Joint Resolution No. 895** -- Memorials, Public Service - Dr. Dale Lynch, Director of Schools, Hamblen County. by \*Southerland.

**Senate Joint Resolution No. 896** -- Memorials, Interns - Jennifer Kay Pinho. by \*Herron.

**Senate Joint Resolution No. 897** -- Memorials, Recognition - Pat Summitt, Presidential Medal of Freedom. by \*Finney L.

**\*Senate Joint Resolution No. 898** -- General Assembly, Statement of Intent or Position - Commends President Obama for selecting Pat Summitt as recipient of Presidential Medal of Freedom. by \*Ford, \*Kyle.

**Senate Joint Resolution No. 899** -- Memorials, Interns - Garrett Louis Montague. by \*McNally.

**Senate Joint Resolution No. 900** -- Memorials, Retirement - Jeff Jordan. by \*Barnes.

**Senate Joint Resolution No. 901** -- Memorials, Interns - James Austin Palasek North. by \*Barnes.

**Senate Joint Resolution No. 902** -- Memorials, Recognition - Lynn Gibson, Tennessee Governor of Pilot International. by \*Herron.

**Senate Joint Resolution No. 903** -- Memorials, Interns - Nicollette N. Davis. by \*Berke.

**Senate Joint Resolution No. 906** -- Memorials, Interns - Benjamin Hadden. by \*Campfield.

**Senate Joint Resolution No. 908** -- Memorials, Death - Hunter Lane, Jr. by \*Kyle.

**Senate Joint Resolution No. 909** -- Memorials, Retirement - Theda Bramlett. by \*Bell, \*Haynes.

Rep. Gilmore moved that all members voting aye on Senate Joint Resolution No. 885 be added as co-prime sponsors, with the Davidson County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

Rep. Naifeh moved that all members voting aye on Senate Joint Resolution No. 897 be added as co-prime sponsors, with Reps. Naifeh, Fitzhugh and Armstrong listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	89
Noes .....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harmon, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on the Consent Calendar and have this statement entered in the Journal: Rep(s). Tidwell.

**REGULAR CALENDAR ADDENDUM**

**House Bill No. 3119** -- Alcoholic Beverages - As introduced, reduces from four to three the number of cabins that Buffalo River Resort must have in order to qualify as a premier type tourist resort for purposes of the sale of alcoholic beverages for on-premises consumption. - Amends TCA Section 57-4-102. by \*Tindell, \*Casada, \*Haynes, \*Sanderson. (\*SB2882 by \*Haynes)

Further consideration of House Bill No. 3119 previously considered on April 24, 2012, and April 25, 2012, at which time it was reset for today's Regular Calendar Addendum.

Rep. Casada moved that House Bill No. 3119 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND House Bill No. 3119 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-102(26), is amended by adding the following language as new, appropriately designated subdivisions:

( ) A commercially operated recreational facility possessing each of the following characteristics:

(i) Is located at least two hundred (250) feet from a natural lake that is located in or near a state park, which has waterfowl hunting and fishing is available year round;

(ii) Has a restaurant which has:

(a) A beer license;

(b) A commercial kitchen; and

(c) Seating for at least seventy-five (75); and

(iii) Has a boat ramp and boat dock;

(\_) A commercially operated facility containing all of the following characteristics:

(i) The facility has a restaurant open year-round with inside seating for at least seventy-five (75) persons;



(ii) The facility has a minimum of eighty five (85) parking spaces;

(iii) The facility is located on Highway 70 less than three (3) miles from Center Hill Lake; and

(iv) The facility is located within a county having a population of not less than eighteen thousand seven hundred (18,700) nor more than eighteen thousand seven hundred fifty (18,750), according to the 2010 federal census or any subsequent federal census;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. K. Williams moved the previous question, which motion prevailed.

Rep. Casada moved that **House Bill No. 3119**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	66
Noes.....	20
Present and not voting.....	2

Representatives voting aye were: Armstrong, Bass, Brown, Carr, Casada, Cobb, Coley, DeBerry L, Dennis, Elam, Eldridge, Favors, Fitzhugh, Ford, Forgety, Gilmore, Halford, Hall, Hardaway, Harmon, Harrison, Haynes, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lundberg, Maggart, Marsh, McCormick, McDaniel, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Madam Speaker Harwell -- 66

Representatives voting no were: Alexander, Brooks H, Brooks K, Campbell, Curtiss, Dean, DeBerry J, Dunn, Floyd, Gotto, Hensley, Hill, Holt, Lollar, Matlock, McDonald, Miller D, Pitts, Watson, Windle -- 20

Representatives present and not voting were: Pody, Powers -- 2

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**\*House Bill No. 2808** -- Workers Compensation - As introduced, clarifies that either party in a worker's compensation dispute may bring suit in the county in which the employee resided at the time of the injury, revising current law's requirement that it be the county where the employee resides, when issues remain after the benefit review conference. - Amends TCA Title 50. by \*Dennis. (SB2923 by \*Overbey, \*Ketron, \*Bell)

On motion, House Bill No. 2808 was made to conform with **Senate Bill No. 2923**; the Senate Bill was substituted for the House Bill.

Rep. Dennis moved that Senate Bill No. 2923 be passed on third and final consideration.

**BILL RE-REFERRED**

Rep. Sargent moved that Senate Bill No. 2923 be re-referred to the Finance, Ways and Means Committee, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**\*Senate Bill No. 3145** -- Hospitals and Health Care Facilities - As introduced, provides that reporting of injury other than those caused by deadly weapon upon a domestic violence or sexual assault on adult who does not wish to give consent to send identifying information to law enforcement to be filled out on forms that provide location and injury information but not name and address of victim. - Amends TCA Title 36 and Title 38. by \*Burks, \*Marrero, \*Kyle. (HB3579 by \*Jones S, \*Richardson, \*DeBerry J, \*Coley, \*Shipley, \*Odom, \*Turner M, \*Dennis, \*Gilmore, \*Camper)

Further consideration of Senate Bill No. 3145 previously considered on April 23, 2012, at which time the House substituted the Senate Bill for the House Bill, adopted Amendment(s) No(s). 1 and it was reset for today's Regular Calendar

Rep. S. Jones moved that Senate Bill No. 3145, as amended, be passed on third and final consideration.

Rep. Shipley moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3579 By adding the following new subdivisions to subsection (b) of the amendatory language of SECTION 1:

(3) If a person injured as provided in subsection (a) is first treated by an EMT, EMT-P, emergency medical or rescue worker, firefighter or other first responder, it shall not be the duty of the first responder to determine if the patient comes within the provisions of subdivision (b)(1). If the first responder transports the patient to a health care facility, the first responder's duty is to notify the treating physician or emergency room staff at the facility of the suspected cause of the patient's injury. If the patient is not transported to a health care facility, the first responder shall report the result of the call to the 911 center.

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On motion, Amendment No. 2 was adopted.

Rep. M. Turner moved the previous question, which motion failed by the following vote:

Ayes .....	44
Noes.....	43
Present and not voting.....	1

Representatives voting aye were: Armstrong, Bass, Brooks H, Butt, Campbell, Coley, DeBerry L, Dennis, Elam, Evans, Favors, Fitzhugh, Floyd, Ford, Gilmore, Gotto, Harrison, Haynes, Hurley, Johnson C, McDaniel, McDonald, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pruitt, Ramsey, Richardson, Roach, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Turner J, Turner M, Williams K, Windle, Madam Speaker Harwell -- 44

Representatives voting no were: Alexander, Brooks K, Brown, Camper, Carr, Casada, Cobb, Curtiss, Dean, DeBerry J, Dunn, Eldridge, Faison, Forgety, Halford, Hall, Hardaway, Hensley, Hill, Holt, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McManus, Miller D, Pody, Powers, Ragan, Rich, Sanderson, Sargent, Sparks, Swann, Watson, Weaver, White, Williams R -- 43

Representatives present and not voting were: Tidwell -- 1

### BILL RE-REFERRED

Rep. Watson moved that Senate Bill No. 3145, as amended, be re-referred to the Judiciary Committee, which motion prevailed by the following vote:

Ayes .....	48
Noes.....	40

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Campbell, Carr, Casada, Cobb, Dean, DeBerry L, Eldridge, Floyd, Forgety, Gotto, Halford, Harrison, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Naifeh, Powers, Pruitt, Ragan, Rich, Roach, Sanderson, Sargent, Shipley, Sparks, Tidwell, Todd, Watson, Weaver, White, Madam Speaker Harwell -- 48

Representatives voting no were: Armstrong, Brown, Butt, Camper, Coley, Curtiss, DeBerry J, Dennis, Elam, Evans, Faison, Favors, Fitzhugh, Ford, Gilmore, Hall, Hardaway, Haynes, Kernell, Marsh, McDonald, Miller L, Moore, Niceley, Parkinson, Pitts, Ramsey, Richardson, Sexton, Shaw, Shepard, Sontany, Stewart, Swann, Towns, Turner J, Turner M, Williams K, Williams R, Windle -- 40

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “not voting” on the motion to re-refer **Senate Bill No. 3145** to the Judiciary Committee and have this statement entered in the Journal: Rep(s). M. Turner.

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**REGULAR CALENDAR, CONTINUED**

**House Bill No. 3621** -- Education, Curriculum - As introduced, requires that a family life education curriculum comply with certain restrictions. - Amends TCA Title 49, Chapter 6. by \*Gotto, \*Casada, \*Hensley, \*Dean, \*Weaver, \*White, \*Eldridge, \*Ragan, \*Matheny, \*Womick, \*Dunn, \*Carr, \*Holt, \*DeBerry J, \*Powers. (\*SB3310 by \*Johnson)

On motion, House Bill No. 3621 was made to conform with **Senate Bill No. 3310**; the Senate Bill was substituted for the House Bill.

Rep. Gotto moved that Senate Bill No. 3310 be passed on third and final consideration.

Rep. Montgomery moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Montgomery moved adoption of Education Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 3310 by deleting the language "non-marital sexual" in Section 49-6-1304 of the amendatory language of the bill and by substituting instead the language "non-marital sexual activity".

On motion, Education Committee Amendment No. 2 was adopted.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Harmon

**REGULAR CALENDAR, CONTINUED**

Rep. Dunn moved the previous question, which motion prevailed.

Rep. Gotto moved that **Senate Bill No. 3310**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	68
Noes.....	23

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Ford, Forgety, Gotto, Halford, Hall, Harrison, Haynes, Hensley, Hill, Holt, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Niceley, Pitts, Pody, Powers, Pruitt,

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Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Swann, Todd, Watson, Weaver, White, Williams R, Windle, Womick, Madam Speaker Harwell -- 68

Representatives voting no were: Armstrong, Brown, Camper, DeBerry L, Favors, Fitzhugh, Gilmore, Hardaway, Hurley, Jones, Kernell, Miller L, Moore, Naifeh, Parkinson, Richardson, Shaw, Sontany, Stewart, Tidwell, Towns, Turner J, Turner M -- 23

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 3310** and have this statement entered in the Journal: Rep(s). Coley.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2969** -- Welfare - As introduced, specifies that the final study of medical assistance program and any participating managed care organizations be reported to the finance, ways and means committees of the senate and the house, the office of legislative budget analysis and the fiscal review committee on or before April 1 of each year, instead of April 15. - Amends TCA Title 71. by \*Harrison. (SB2929 by \*Overbey)

On motion, House Bill No. 2969 was made to conform with **Senate Bill No. 2929**; the Senate Bill was substituted for the House Bill.

Rep. Harrison moved that Senate Bill No. 2929 be passed on third and final consideration.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Sargent moved that Finance, Ways and Means Committee Amendment No. 2, as House Amendment No. 3, be withdrawn, which motion prevailed.

Rep. Harrison moved that **Senate Bill No. 2929** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	90
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock,

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McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

**\*House Joint Resolution No. 597** -- General Assembly, Directed Studies - Directs the Tennessee Higher Education Commission to establish a committee on Internet privacy for higher education. by \*Lollar.

Further consideration of House Joint Resolution No. 597 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

Rep. Lollar moved adoption of House Joint Resolution No. 597.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 597 by deleting the caption and the entire preamble and all resolving clauses and by substituting instead the following language:

A RESOLUTION to direct institutions of higher education to place the student e-mail privacy policy in the student handbook as well as place a link to the policy below institution's student e-mail mail login.

WHEREAS, public and private two- and four-year institutions of higher education in Tennessee are outsourcing internal e-mail services to webmail providers; and

WHEREAS, these applications provide students with the opportunity to conduct: online chats, phone calls, blogger posts, browse the web, social network, and share photos; and

WHEREAS, schools of higher learning do have student privacy setting policies that discuss the institutions' ability to access each application's data; and

WHEREAS, these policies are difficult to locate; and

WHEREAS, the student handbook serves as the fundamental tool in which institutions communicate to students their rights and responsibilities; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that the Tennessee Higher Education Commission direct institutions of higher learning to increase their internet transparency by publishing the

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student privacy setting in the student handbook as well as providing a link to the privacy settings below the student e-mail login page wherever possible.

BE IT FURTHER RESOLVED, that the already existing committees of these institutions review these policies annually so as to ensure that the scope of the policies reflect the ever changing applications of outsourced student e-mail.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Lollar moved adoption of **House Joint Resolution No. 597**, as amended, which motion prevailed by the following vote:

Ayes .....	92
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

**\*House Bill No. 2928** -- Hospitals and Health Care Facilities - As introduced, enacts the "Community-Based TBI Adult Care Home Act of 2012" for the regulation of certain traumatic brain injury care homes. - Amends TCA Title 68, Chapter 11. by \*McDonald, \*Maggart, \*Shipley, \*Evans. (SB2816 by \*Tracy, \*Ketron)

Further consideration of House Bill No. 2928 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 2928 was made to conform with **Senate Bill No. 2816**; the Senate Bill was substituted for the House Bill.

Rep. McDonald moved that Senate Bill No. 2816 be passed on third and final consideration.

Rep. Casada moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2928 by adding the language “within the residence” after “at all times” and before “including overnights and weekends” in § 68-11-273(c) of the amendatory language of Section 3.

AND FURTHER AMEND by adding the language “The staff members providing overnight care and/or supervision shall hold a national certification by the Academy of Certified Brain Injury Specialists as a Certified Brain Injury Specialist (CBIS), or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional, or licensed mental health professional who is trained and experienced in the care and rehabilitation of residents with traumatic brain injury” to the end of § 68-11-273(c) of the amendatory language in Section 3.

AND FURTHER AMEND at the end of § 68-11-202(b)(1 )(E) of the amendatory language in Section 5 by deleting the language: “At the discretion of the board consistent with this part, community-based TBI adult care homes equipped with sprinkler systems may not be required to comply with these fire code requirements in their entirety.”

AND FURTHER AMEND by deleting § 68-11-206(a)(2)(E) in the amendatory language of Section 12 and by redesignating subdivision (F) in the amendatory language as subdivision (E).

SECTION 17. Tennessee Code Annotated, Section 68-11-209(h)(2), is amended by adding the following language as new, appropriately designated subdivisions end of the subsection:

( ) A community-based TBI adult care home provider shall hold national certification by the academy of Certified Brain Injury Specialists as a certified brain injury specialist (CBIS) or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional, or licensed mental health professional who is trained and experienced in the care and rehabilitation of disabled adults suffering from the effects of a traumatic brain injury.

( ) A community-based TBI adult care home providers shall not be required to live in or employ a resident manager or substitute caregiver to live in a community-based TBI adult care home. However, a community-based TBI adult care home provider shall employ staff members to supervise the residents at all times within the residence, including overnights and during weekends. The staff members providing overnight care and/or supervision must hold-a national certification by the Academy or Certified Brain Injury Specialists as a Certified Brain injury Specialist (CBIS), or hold a current professional license as a physician, nurse practitioner, registered nurse, licensed rehabilitation professional, or licensed mental health professional who is trained in the care and experience in the care and rehabilitation, of or residents with traumatic brain injury.” to the end of § 68-11-209(h)(2)( ) in the amendatory language of Section 17.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

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Rep. Casada moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2928 AND FURTHER AMEND by deleting Section 8 of the printed bill and appropriately redesignating subsequent sections.

AND FURTHER AMEND by deleting the language “community-based TBI adult care “wherever it appears in the bill as amended and by substituting instead the language “traumatic brain injury residential”.

On motion, Health and Human Resources Committee Amendment No. 2 was adopted.

Rep. McDonald moved that **Senate Bill No. 2816**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

**\*House Bill No. 3058** -- Health Care - As introduced, adds certified brain injury specialist in certain cases to authorized adult care home caregivers; eliminates requirement that resident managers live on site where a certified brain injury specialist is present at all times at the location. - Amends TCA Section 68-11-209. by \*Ford , \*Roach. (SB3535 by \*Crowe, \*Burks, \*Ford)

Further consideration of House Bill No. 3058 previously considered on April 24, 2012, at which time it was reset for today’s Regular Calendar.

On motion, House Bill No. 3058 was made to conform with **Senate Bill No. 3535**; the Senate Bill was substituted for the House Bill.

Rep. Ford moved that Senate Bill No. 3535 be passed on third and final consideration.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

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Rep. Casada moved that Health and Human Resources Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Ford moved that **Senate Bill No. 3535** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

**House Bill No. 1854** -- Public Employees - As introduced, creates a presumption that an infectious disease acquired by a firefighter, paramedic, emergency medical technician, or emergency medical technician advanced was suffered in the line of duty unless the contrary is shown by competent evidence. - Amends TCA Title 7, Chapter 51, Part 2. by \*Campbell, \*Turner M, \*Moore, \*Miller L, \*Jones S, \*Matheny, \*Richardson, \*Todd, \*Shipley, \*Hurley, \*Evans, \*Dean, \*Watson, \*Coley, \*Parkinson, \*Stewart, \*Maggart, \*Cobb, \*Hill, \*Towns, \*Kernell, \*DeBerry J, \*Odom, \*Ford, \*Williams K, \*Faison, \*Bass, \*Tindell, \*Fitzhugh, \*Shaw, \*DeBerry L, \*Naifeh, \*Tidwell, \*Sontany, \*Camper, \*Gilmore, \*Ramsey, \*Brooks K, \*Hardaway, \*Armstrong, \*Brown, \*Eldridge, \*Lollar. (\*SB720 by \*Berke, \*Finney L, \*Marrero, \*Ketron, \*Tate, \*Bell, \*Stewart, \*Haynes, \*Ford, \*Yager, \*Ramsey)

On motion, House Bill No. 1854 was made to conform with **Senate Bill No. 720**; the Senate Bill was substituted for the House Bill.

Rep. Campbell moved that Senate Bill No. 720 be passed on third and final consideration.

Rep. Sargent moved that Pensions and Insurance Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 2, as House Amendment No. 3, be withdrawn, which motion prevailed.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 4, as follows:

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**Amendment No. 4**

AMEND House Bill No. 1854 in SECTION 2(b)(2) by adding the language "virus" between the language "immunodeficiency" and the comma.

AND FURTHER AMEND in SECTION 2(b)(2) by deleting the language "work" and substituting instead the language "worker".

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 4, was adopted.

Rep. Sargent moved adoption of Finance, Ways and Means Committee Amendment No. 2, as House Amendment No. 5, as follows:

**Amendment No. 5**

AMEND House Bill No. 1854 by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 2, as House Amendment No. 5, was adopted.

Rep. Campbell moved that **Senate Bill No. 720**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 90  
Noes..... 0

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Ford, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Watson, Weaver, White, Williams K, Williams R, Windle, Womick, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 720** and have this statement entered in the Journal: Rep(s). Hill.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **Senate Bill No. 3310** and have this statement entered in the Journal: Rep(s). Ramsey.

### RECOGNITION IN THE WELL

Representative Ramsey, joined by members of the State and Local Government Committee, was recognized in the Well in order to honor Sally Swaney’s service to the State of Tennessee.

### RECESS MOTION

On motion of Rep. McCormick, the House stood in recess until 1:00 p.m., today.

### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 1141** Rep(s). Maggart as prime sponsor(s).

**House Joint Resolution No. 1144** Rep(s). Maggart as prime sponsor(s).

**House Joint Resolution No. 1145** Rep(s). Maggart as prime sponsor(s).

**House Joint Resolution No. 1146** Rep(s). Maggart as prime sponsor(s).

**House Joint Resolution No. 1147** Rep(s). Maggart as prime sponsor(s).

**House Joint Resolution No. 1148** Rep(s). Maggart as prime sponsor(s).

**House Bill No. 1896** Rep(s). Shaw as prime sponsor(s).

**House Bill No. 2391** Rep(s). Campbell, Shipley, Cobb, K. Brooks, Montgomery, Eldridge, Hardaway, Halford, Powers and McManus as prime sponsor(s).

**House Bill No. 2613** Rep(s). Hardaway as prime sponsor(s).

**House Bill No. 2994** Rep(s). Tidwell as prime sponsor(s).

**House Bill No. 3431** Rep(s). Cobb as prime sponsor(s).

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 360 and 629; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

**SIGNED**

**April 27, 2012**

The Speaker announced that she had signed the following: Senate Joint Resolution(s) No(s). 360 and 629.

**ENROLLED BILLS**

**April 27, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 296, 297 and 300; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED**

**April 27, 2012**

The Speaker announced that she had signed the following: House Resolution(s) No(s). 296, 297 and 300.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s). 878; as requested.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS**

**April 27, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 3119;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3760 and 3761; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1107; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3835; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3839; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**RECESS EXPIRED**

The recess having expired, the House was called to order by Madam Speaker Harwell.

**ROLL CALL DISPENSED WITH**

On motion of Rep. McCormick, the roll call was dispensed with.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Watson

**PRESENT IN CHAMBER**

Representative(s) Wirgau was/were recorded as being present in the Chamber.

**MOTION TO PLACE BILL ON CALENDAR**

Rep. McCormick moved that Senate Joint Resolution No. 222 be placed on today's Regular Calendar, which motion prevailed.

**SPECIAL ORDER**

Without objection, Senate Joint Resolution No. 222 was taken up out of order at this time as follows:

**\*Senate Joint Resolution No. 222** -- Constitutional Amendments - Proposes an amendment to Article XI, Section 5 of the Constitution of the State of Tennessee concerning charitable lotteries to include certain veterans' organizations. by \*Crowe, \*Faulk, \*Gresham, \*Overbey, \*Ford.

Rep. Curtiss requested that the Clerk read Senate Joint Resolution No. 222 for the first Constitutional reading, as prescribed by the Constitution of the State of Tennessee.

The Clerk read Senate Joint Resolution No. 222.

Rep. Curtiss moved that Senate Joint Resolution No. 222 be concurred in.

Rep. Curtiss moved that Senate Joint Resolution No. 222 be reset for Sunday, April 29, 2012, for its second reading, which motion prevailed.

**SPECIAL ORDER**

Without objection, Rep. McCormick moved the House take up the Message Calendar No. 2 out of order at this time.

**MESSAGE CALENDAR NO. 2**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 3835** -- Appropriations - As introduced, makes appropriations for fiscal years beginning July 1, 2011, and July 1, 2012. by \*Sargent, \*McCormick. (SB3768 by \*Norris)

**Senate Amendment No. 18**

AMEND House Bill No. 3835 by deleting Section 1, Title III-22, Line Item 32, of the printed bill in its entirety.

**AND FURTHER AMEND** in Section 2 of the printed bill by inserting the following new items:

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Item \_\_. The capital budget project, Shelby Farms Park Conservancy, to be funded in the amount of \$5,000,000 from the Department of General Services appropriation in Section 1, Title III-32 of this act and listed on page A-144 of the 2012-2013 budget document is deleted.

Item \_\_. The capital budget project, West Tennessee Mega-site Site Development, to be funded in the amount of \$12,540,000 (of which amount \$11,000,000 is non-recurring) from the Department of Economic and Community Development appropriation in Section 1, Title III-32 of this act and listed on page A-144 of the 2012-2013 budget document is deleted.

Item \_\_. The capital maintenance project, National Civil Rights Museum, to be funded in the amount of \$300,000 (non-recurring) from the Department of General Services appropriation in Section 1, Title III-32 of this act and listed on page A-160 of the 2012-2013 budget document is deleted.

**AND FURTHER AMEND** by deleting the item within Section 41 which reads as follows:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur.

**AND FURTHER AMEND** by deleting Line Item 3 in Section 66, as amended.

**AND FURTHER AMEND** by deleting in its entirety Item 2 in Section 68, as amended.

**AND FURTHER AMEND** by deleting the following language from Section 2, as amended:

(a) Department of Environment and Conservation –	
Radnor Lake State Natural Area – Land Acquisition	\$1,000,000.00

**AND FURTHER AMEND** by inserting the following new items in Section 72, as amended:

**SECTION 72.**

Item \_\_. The appropriation to the University of Memphis in Section 1, Title III-10, Item 4.3(c) and listed on page B-83 of the 2012-2013 budget document is reduced by the sum of \$4,000,000 (non-recurring) for the sole purpose of reducing funding for the transition of the Lambuth campus.

Item \_\_. The non-recurring appropriation for a state-only grant to Meharry Medical College listed on page B-142 of the 2012-2013 budget document is reduced in an amount that is proportional to any reduction made by the Metropolitan Government of Nashville and Davidson County.



Item \_\_. The appropriation made in Public Acts of 2011, Chapter 473, Section 77, Item 18, is hereby reduced by the sum of \$60,000 (recurring) for the sole purpose of reducing the funding for the Ripley Center at UT Martin.

Item \_\_. The appropriation made in Public Acts of 2011, Chapter 473, Section 72, Item 12, is hereby reduced by the sum of \$180,000 (recurring) for the sole purpose of reducing the funding for the UT Martin, Parsons Center.

Item \_\_. The sum earmarked and allocated in Section 6, Item 4, of this act, for the purpose of making a grant to the Metropolitan Government of Nashville and Davidson County for the construction of a sports stadium, is hereby reduced by \$481,000.

Item \_\_. The appropriation made in Section 1, Title III-16, of this act, to the Department of Health is reduced by the sum of \$75,000 (non-recurring) for the sole purpose of reducing grant funds to the Sickle Cell Foundation of Tennessee.

**AND FURTHER AMEND** by deleting the language "\$15,000,000" in Item 2 of Section 72, as amended, and by substituting instead the language "\$10,000,000".

**AND FURTHER AMEND** by deleting the items within Section 74, as amended, which read as follows:

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the department of education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the department of finance and administration for the sole purpose of making grants in the amount of \$37,500 each to the Rutherford County Drug Court and the Williamson County Drug Court, to be used for operational expenses.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoring base funding for the West Tennessee River Basin Authority major maintenance program.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$800,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Nashville Drug Court Support Foundation, a non-profit corporation,

to be used for general operating costs to help prevent and resolve issues related to substance abuse.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the National Institute for Law and Equity (NILE), to be used for operational expenses and programs, including continuation of the Parent Partner Program.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Shelby County Drug Court under the guidance of Judge Tim Dwyer, to be used for programs, services and operational expenses.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for the acquisition of underwater radar and associated costs.

In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for operational costs.

**AND FURTHER AMEND** by deleting Item 38 in Section 74, as amended, and by substituting instead the following:

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$244,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants, in equal amounts, to the drug courts located in the various counties, to be used for programs, services and operational expenses.

**AND FURTHER AMEND** by adding the following language at the end of the last sentence in Item 2, Section 47 of the printed bill:

, and shall include \$2,600,000 (recurring) and \$7,400,000 (non-recurring) transferred from the general fund.

**AND FURTHER AMEND** in Section 48 of the printed bill by inserting the following new item:

Item \_\_\_\_\_. In the fiscal year ending June 30, 2013, the sum of \$10,800,000 (nonrecurring) shall be transferred from the general fund to the TennCare Reserve.

**AND FURTHER AMEND** by adding the following new item at the end of Section 75, as amended:

Item \_\_\_\_\_. It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under Tennessee Code Annotated, Section 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of Senate Bill 3771, House Bill 3839, if such bill becomes law.

**AND FURTHER AMEND** by inserting the following after other amendments between Sections 64 and 65 of the printed bill:

SECTION \_\_\_\_\_. Public Defender Offices in Davidson and Shelby Counties.

Item 1. From the appropriation for state employees 2.5 percent salary increase in Section 1, Title III-22, Item 13, the sum of \$92,300 is earmarked for the public defenders offices in Davidson County and Shelby County, to be allocated as follows:

(a) Davidson County, \$31,300; and

(b) Shelby County, \$61,000.

The amounts earmarked above are determined on the following basis:

The 2.5 percent salary policy adjustment for the district public defenders, which excludes employees on a statutory pay plan, is an amount equal to 1.95 percent of the base recommended state appropriation for district public defenders; and the amounts earmarked above for Davidson and Shelby counties are equal to 1.95 percent of the base recommended state appropriations for the public defenders offices in Davidson County and Shelby County.

Item 2. The commissioner of finance and administration is directed to study issues pertaining to implementation of the provisions of Tennessee Code Annotated, Section 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. No later than the day after transmittal of the next budget document to the general assembly, a report of findings and recommendations shall be transmitted by the commissioner to the speakers of the senate and house of representatives; the chairs of the finance, ways and means committees; the majority and minority leaders of both houses; and the director of the office of legislative budget analysis.

The commissioner shall examine the meaning of the language "the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for

district public defenders"; the manner in which such increase has been calculated; whether a base budget adjustment is recommended in consideration of the meaning of § 8-14-210 or for other reasons; other associated matters that the commissioner deems appropriate; and recommendations for clarifying the language of § 8-14-210. Clarification of § 8-14-210 may include alternative means of providing for budget adjustments.

If the commissioner finds in the study that a base budget adjustment should be made or that § 8-14-210 should be clarified or changed for future budget adjustments, it is the legislative intent that the 2013-2014 budget document transmitted by the governor to the general assembly include the recommended appropriation increase and that the governor's budget legislation include any recommended change in law

**Senate Amendment No. 4**

AMEND House Bill No. 3835 By deleting each and every section of House Bill 3835 and by substituting instead new Sections 1 through 69, namely:

Sections 1 through 69 of Senate Bill 3768 as filed for introduction on February 6, 2012, and considered to be part of this amendment.

**Senate Amendment No. 5**

AMEND House Bill No. 3835

**ADMINISTRATION AMENDMENT**

**2011-2012 SUPPLEMENTAL APPROPRIATIONS**

by deleting the following language from Section 38 of the printed bill:

	Commerce and Insurance	
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 3,382,500.00
	Revenue	
1.	Tax Refund Interest Expense – Accounting Change\$	2,500,000.00
	TOTAL.....	\$ 147,909,500.00

and by substituting instead:

	Commerce and Insurance	
1.	Administration – Interdepartmental Revenue Loss – Regulatory Boards Indirect Costs .....	\$ 1,280,200.00
	Revenue	
1.	Tax Refund Interest Expense – Accounting Change\$	2,500,000.00
2.	Sales Tax Disaster Relief .....	525,000.00

Total Revenue .....\$ 3,025,000.00

TOTAL.....\$ 146,332,200.00

Provided further that the line item appropriation in the amount of \$525,000.00 relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by Senate Bill 2701 / House Bill 2889, if it becomes a law.

From the appropriation to the Department of Economic and Community Development in the amount of \$34,000,000 for headquarters relocation assistance, it is the legislative intent to make the following allocations to the Volkswagen Project: (a) \$19,110,000 for site preparation and infrastructure; (b) \$684,000 to FastTrack Infrastructure and Job Training Assistance for training a third shift; and (c) \$371,000 to Business Development for recruitment purposes.

The appropriations to the Department of Mental Health and to the Department of Economic and Community Development, including allocations to the Volkswagen Project, shall not revert to the general fund at June 30, 2012, and are hereby reappropriated in the fiscal year beginning July 1, 2012.

AND FURTHER AMEND in Section 41 of the printed bill by inserting a new item as follows:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is appropriated the sum of \$1,400,000 (non-recurring) to Loan/Scholarships Programs for the graduate nursing loan forgiveness program. The appropriation is intended to reinstate a non-recurring appropriation that reverted to the general fund balance. Pursuant to Tennessee Code Annotated, Section 49-4-702(d), this appropriation shall not revert to the general fund.

AND FURTHER AMEND in Section 48 of the printed bill by inserting the following items:

Item \_\_\_. In the fiscal year ending June 30, 2012, there hereby is reappropriated from the TennCare reserve the sum of \$58,700,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

Item \_\_\_. In the fiscal year ending June 30, 2013, there hereby is reappropriated from the TennCare reserve the sum of \$65,000,000 (non-recurring) to the TennCare program for pharmacy costs and Medicare crossover payments. The Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenue accordingly.

AND FURTHER AMEND by inserting a new section, to follow Section 70 of this amendment, to read as follows:

SECTION 71. Supplemental Appropriation for Land Acquisition. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In the fiscal year ending June 30, 2012, it is the legislative intent to

recognize a contingency appropriation in the amount of \$8,800,000 for land acquisition made under the provisions of Section 75 in Chapter 473, Public Acts of 2011. Funding for the appropriation is identified in the 2012-2013 budget document on page A-10 (\$8,500,000) and in the administration budget amendment overview (\$300,000). Any unexpended balance of the appropriation at June 30, 2012, is hereby reappropriated to be expended in the 2012-2013 fiscal year for the purpose stated in Section 75 of Chapter 473, Public Acts of 2011.

**2012-2013 ITEMS AFFECTING REVENUE AVAILABILITY**

AND FURTHER AMEND by deleting in its entirety Item 9 in Section 43 of the printed bill and substituting instead the following:

Item 9. Pursuant to Tennessee Code Annotated, Section 67-6-103(k) there is apportioned from the general fund share of the sales and use tax into cities and counties state shared taxes for the County Revenue Partnership Fund the sum of \$400,000 in the fiscal year ending June 30, 2012 and the sum of \$1,000,000 in the fiscal year ending June 30, 2013.

It is the legislative intent that \$600,000 of the \$1,000,000 apportionment is for the purpose of funding the state share of the mandated local cost of Senate Bill 2251 / House Bill 2389, relative to domestic violence, if that bill becomes a law. If that bill does not become a law, then the apportionment to the County Revenue Partnership Fund in the year ending June 30, 2013, shall be \$400,000.

AND FURTHER AMEND by deleting the following language from Title III-31 in Section 1 of the printed bill:

4. Amortization of Authorized and Unissued Construction Bonds	88,450,000.00
Total Title III-31.....	\$ 436,460,000.00

and by substituting instead the following:

4. Amortization of Authorized and Unissued Construction Bonds	84,750,000.00
Total Title III-31.....	\$ 432,760,000.00

**CERTAIN SECTION 1 AND 4 AMENDMENTS**

AND FURTHER AMEND by deleting the following language from Title III-22 in Section 1 of the printed bill:

13. State Employees 2.5% Salary Increase.....	36,000,000.00
27. Severance Benefit Plan .....	2,900,000.00
33. Temporary Office Space.....	6,000,000.00

Total Title III-22..... \$ 139,085,300.00

and by substituting instead the following:

13.	State Employees 2.5% Salary Increase.....	35,500,000.00
27.	Severance Benefit Plan .....	2,100,000.00
33.	Temporary Office Space.....	11,400,000.00
34.	OIR – Mainframe Outsourcing .....	3,700,000.00

Total Title III-22..... \$ 146,885,300.00

AND FURTHER AMEND in Section 1 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14.	Department of Mental Health	
1.	Administration	
1.1	Administrative Services Division .....	\$ 13,653,000.00
	Total Administration.....	\$ 13,653,000.00
2.	Mental Health Services	
2.1	Middle Tennessee Mental Health Institute .....	\$ 27,250,000.00
2.2	Western Mental Health Institute .....	19,656,700.00
2.3	Moccasin Bend Mental Health Institute .....	16,379,800.00
2.4	Memphis Mental Health Institute.....	17,110,000.00
2.5	Community Mental Health Services .....	72,854,100.00
2.6	Major Maintenance .....	450,000.00
	Total Mental Health Services .....	\$ 153,700,600.00
3.	Alcohol and Drug Abuse Services	
3.1	Community Alcohol and Drug Abuse Services .....	\$ 17,190,600.00
	Total Alcohol and Drug Abuse Services.....	\$ 17,190,600.00
	Total Title III-14.....	\$ 184,544,200.00

AND FURTHER AMEND in Section 4 of the printed bill by deleting in its entirety Title III-14 and by substituting instead the following:

14.	Department of Mental Health	
1.	Administration	
1.1	Administrative Services Division .....	\$ 4,731,400.00
	Total Administration.....	\$ 4,731,400.00
2.	Mental Health Services	
2.1	Community Mental Health Services .....	\$ 18,300,400.00
2.2	Middle Tennessee Mental Health Institute ....	14,890,200.00

2.3	Western Mental Health Institute .....	13,823,500.00
2.4	Moccasin Bend Mental Health Institute .....	11,467,600.00
2.5	Memphis Mental Health Institute .....	4,094,900.00
	Total Mental Health Services .....	\$ 62,576,600.00
3.	Alcohol and Drug Abuse Services	
3.1	Community Alcohol and Drug Abuse Services \$	35,255,800.00
	Total Alcohol and Drug Abuse Services .....	\$ 35,255,800.00
	Total Title III-14 .....	\$ 102,563,800.00

AND FURTHER AMEND the printed bill by inserting the following new paragraphs immediately after the introductory paragraph of Section 64 and by inserting the following additional sections immediately after Section 64 as amended and renumbering subsequent sections of the printed bill accordingly:

### LEGISLATION RECONCILIATION

Provided that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Federal and other departmental revenue adjustments may be made as indicated in the text of the line items or in reconciliation to fiscal notes and to available federal aid. Adjustments to the number of authorized positions indicated in the line items as full-time (FT) and part-time (PT) shall be reconciled to the fiscal notes.

Provided further that the term fiscal note in this item refers to the final fiscal note on the bill as enacted.

Provided further that the line item appropriation in Item 1 for Senate Bill (SB) 2701 / House Bill (HB) 2889, relative to Department of Revenue, Sales Tax Disaster Relief, may be increased by a sum sufficient to provide such relief as authorized by the bill, if it becomes a law, notwithstanding contrary provisions of this section regarding reconciliation to the fiscal note on the enacted bill.

Item 1. General Fund and Education Fund Appropriations. The following appropriations are from the general fund and education fund, as applicable.

	Recurring	Non-Recurring
1. Misc. Approp. - Administration Legislation - Delete	\$ (2,000,000)	\$ 0
2. SB 884 / HB 984 - Labor & WFD - Unemployment Benefits for Military Spouses – Reduce	(1,200)	0
3. SB 2199 / HB 2337 - Children's Services - Transitioning Youth Empowerment Act (\$4,800 Federal)	1,900	0
4. SB 2210 / HB 2348 - Education - BEP Class Size and Salary Component Change – Delete	(795,000)	0
5. SB 2233 / HB 2371 - Dept. of Revenue - E-Filing	0	0



**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

	<u>Recurring</u>	<u>Non- Recurring</u>
6. SB 2246 / HB 2384 - Civil Service Reform	0	0
7. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(247,400)	0
8. SB 2250 / HB 2388 - Correction - Felons with Firearms - Incarceration	4,900	0
9. SB 2251 / HB 2389 - Correction - Domestic Violence – Delete – Replaced by \$600,000 State-Shared Revenue to Counties	(780,000)	0
10. SB 2251 / HB 2389 - Correction - Domestic Violence – Incarceration - Delete	(868,200)	0
11. SB 2252 / HB 2390 - Correction - Gang Related Crime - Incarceration - Reduce	(1,913,900)	0
12. SB 2253 / HB 2391 - Health - Prescription Drug Bill - Controlled Substance Monitoring Database	230,300	0
13. SB 2253 / HB 2391 - Mental Health - Prescription Drug Bill - Controlled Substance Monitoring Database (\$281,700 Federal)	0	0
14. SB 2253 / HB 2391 - Correction - Prescription Drug Bill - Incarceration	29,100	0
15. SB 2280 / HB 2286 - Correction - Imitation Controlled Substances - Incarceration	86,100	0
16. SB 2701 / HB 2889 - Revenue Dept. - Sales Tax Disaster Relief	250,000	0
17. SB 2809 / HB 2613 - Higher Education - TBR - Dual Credit Courses	150,000	300,000
18. SB 3018 / HB 3175 - Correction - Controlled Substance Analogue - Incarceration	236,100	0
19. SB 3070 / HB 3459 – Secretary of State - Model Business Corporation Act - Computer Programming (\$400 Departmental Revenue)	0	59,500
20. SB 3620 / HB 3727 - Envir. & Cons. - Bicentennial Mall - Andrea Conte Walking Path - Signs	0	6,000
21. SB 3658 / HB 3431 - Labor & WFD -Unemployment Insurance Benefits - Effort to Secure Work	0	122,000
22. SB 3659 / HB 3429 - Labor & WFD - Unemployment Insurance - Internet-Based Electronic Notices (1 FT, 5 PT)	115,500	0
Total	<u>\$ (5,501,800)</u>	<u>\$ 487,500</u>

Item 2. Dedicated Source and Earmarked Appropriations. The following appropriations are from dedicated state revenue sources and departmental revenues. The appropriation line item below for Senate Joint Resolution (SJR) 353, relative to naming a building at McGhee Tyson Air Guard Base, is from federal sources, and the appropriation for that line item shall take effect upon becoming law, the public welfare requiring it.

	<u>Recurring</u>
1. SB 2247 / HB 2385 - Tennessee Regulatory Authority (5 Part-Time Directors, 1 FT Exec. Dir., -3 FT)	\$ (199,700)
2. SB 2249 / HB 2387 - Boards and Commissions - Net Reduction	(1,200)
3. SB 3094 / HB 3373 - Transportation - S.R. 385 in Shelby & Fayette Counties - Gov. Dunn Parkway - Signs (Highway Fund Earmark)	300
4. SJR 353 - Military - McGhee Tyson Air Guard Base - Building Named for Maj. Gen. Frederick H. Forster (Federal Funds Earmark)	10,500
Total	<u>\$ (190,100)</u>

#### **OTHER ADDITIONS TO BUDGET**

#### SECTION 65. Mortgage Servicer Settlement Agreement.

Item 1. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. The provisions of this section are contingent upon the state's receipt of funds from the national mortgage servicer settlement agreement(s) or consent judgments approved by the U.S. District Court in April 2012. There hereby is appropriated such sums as may be received from this source.

Item 2. The Commissioner of Finance and Administration is authorized to recognize the national mortgage servicer settlement revenue and allot the appropriations or allocate the funds in the manner required by generally accepted accounting principles; and such allotments and allocations shall be made for purposes and in such amounts available, as directed by the Attorney General and Reporter or the Commissioner of Financial Institutions for the funds each receives. If such funds are received or recognized in state revenue accounts as available in the year ending June 30, 2012, the Commissioner of Finance and Administration is authorized to allot a sum sufficient of such funds as may be expended in fiscal year 2011-2012 and to reserve at June 30, 2012 and 2013, the balance of such funds as may be available for expenditure in fiscal year 2012-2013 or thereafter; and such funds as are reserved at June 30, 2012, hereby are appropriated for expenditure in the year beginning July 1, 2012. At the closing of any fiscal year, it is the legislative intent that revenue received through this settlement shall be reserved for the intended purposes until expended.

Item 3. The State of Tennessee estimates that the amount of \$42,432,810 will be received, including \$41,432,810 by the Attorney General and Reporter and \$1,000,000 by the Department of Financial Institutions, for the benefit of the citizens of the State of Tennessee, to be used for purposes consistent with the applicable provisions of the consent judgments, as directed by the Attorney General and Reporter, including foreclosure prevention counseling; other housing and legal assistance programs; related compliance, investigative, enforcement, and education purposes; or to fund other programs reasonably targeted to housing or tenant issues; and to be used, as directed by the Commissioner of Financial Institutions, for Department of Financial Institutions examiner training, information technology support, financial literacy, and consumer education. From the amount of revenue estimated above, the allocations to be made, subject to approval and adjustments by the Attorney General and Reporter for sub-items (a) through (e) of this item, are as follows, and such amounts in this item hereby are appropriated or allocated for these purposes:

(a) To the general fund, allocation of a civil penalty of \$4,120,781.

(b) To the Tennessee Housing Development Agency, \$34,500,000 to be used for its Keep My Tennessee Home financial assistance program and for foreclosure counseling.

(c) To the Department of Commerce and Insurance, Division of Consumer Affairs, for the Consumer Education Fund, \$250,000.

(d) To the Miscellaneous Appropriations, \$700,000 for grants to four legal aid entities (Memphis Area Legal Services, West Tennessee Legal Services, Legal Aid of East Tennessee, and Legal Aid Society of Middle Tennessee and the Cumberland) for the purpose of training, education, and legal services relating to housing and foreclosure matters. The Commissioner of Finance and Administration is authorized to transfer this appropriation to the Attorney General and Reporter or to make the grants as directed by the Attorney General and Reporter.

(e) To the Attorney General's litigation settlement reserve, \$1,862,029, including \$1,637,029 for investigative and enforcement purposes and \$225,000 for executive committee work.

(f) To the Department of Financial Institutions, \$1,000,000 from the Conference of State Bank Supervisors to be allocated as follows and used for: (a) \$350,000 for examiner training; (b) \$350,000 for information technology support and equipment; (c) \$125,000 for a financial literacy grant to the Tennessee Financial Literacy Commission; and (d) \$175,000 for consumer education efforts by the consumer resources section of the Department of Financial Institutions. The Commissioner of Financial Institutions is authorized to adjust these amounts to the amount of revenue available from the settlement(s) and to reallocate amounts among these purposes. The Commissioner of Finance and Administration is authorized to adjust the departmental revenue estimate and allotment of the Treasury Department for the grant to the Financial Literacy Commission.

(g) The Commissioner of Finance and Administration is authorized to adjust the allocations and appropriations in this item as realized receipts require and as directed by the Attorney General and Reporter or, relative to paragraph (f), by the Commissioner of Financial Institutions.

SECTION 66. Budget Reductions Restored. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated from the general fund and education fund, as applicable, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Such federal aid adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	Non-Recurring
1. TennCare for Children's Services - Base Reduction Reconciliation (Federal \$425,200)	\$ 217,200	\$ 0
2. TennCare for Dept. of Finance and Administration, Inspector General - Vacancy Reduction Reconciliation (\$118,800 Federal)	118,800	0
3. Envir. & Cons. - Core Services FY 11 #8 - West TN River Basin Authority Maintenance	0	300,000
4. Education - Core Services FY 10 #20 - Family Resource Centers	0	3,050,000
5. Mental Health - Core Services FY 10 #7 - Peer Support Centers	0	1,377,300
6. Health - Core Services FY 10 #18 - Poison Control Center	375,000	0
7. Intellectual and Developmental Disabilities - Core Services FY 10 #7- Family Support @ \$5.5 M	0	1,000,000
8. TBI - Base Reduction FY 10 #3 - Drug Enforcement Funds	0	603,800
9. Safety - Base Reduction FY 13 #2 - Highway Patrol - Homeland Security & Wrecker Inspection (8 FT)	851,200	0
10. Children's Services - Base Reduction FY 13 #2 - Juvenile Court Supplement	855,000	0
11. Children's Services - Core Services FY 10 #3 - Juvenile Court Prevention Grants - Reduce	(855,000)	0
12. Health - Core Services FY 10 DCS #14 - Healthy Start	0	3,060,100
13. Health - Core Services FY 10 DCS #2 - Child Health & Development (CHAD)	0	838,100

	<u>Recurring</u>	<u>Non-Recurring</u>
14. Children's Services - Base Reduction FY 13 #9 - Child Advocacy Centers	0	250,000
Total	<u>\$ 1,562,200</u>	<u>\$ 10,479,300</u>

SECTION 67. Group Health Insurance Premium Adjustment. In addition to the amounts appropriated in Section 1 of this act, an amount of \$1,300,000 is appropriated for the purpose of adjusting the state share of group health insurance premium increases at January 1, 2013. The appropriations shall be adjusted as follows, and the Commissioner of Finance and Administration shall allocate the adjustments to the appropriate organizational units.

(a) From the Miscellaneous Appropriations, Group Health Insurance Premium – State Employees, in Section 1, Title III-22-15, reduced by \$2,600,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(b) From the Higher Education systems, in Section 1, Title III-10, reduced by \$2,100,000 to reflect a 2 percent premium increase, rather than the 4 percent included in the Budget Document.

(c) To the Department of Education, Basic Education Program, in Section 1, Title III-9, Item 2.1(c), an additional \$6,000,000 for the state formula share of a 9.2 percent average increase, rather than the 5 percent included in the Budget Document.

SECTION 68. Other Additions to the Operational Budget. In addition to the amounts appropriated in Section 1 and 4 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Such federal aid and other departmental revenue adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

Item 1. General Fund Appropriations. The following appropriations are from the general fund.

	<u>Recurring</u>	<u>Non-Recurring</u>
1. Correction Dept. - Dairy Farm Boiler Operators (3 FT)	\$ 129,100	\$ 0
2. Correction Dept. - Dairy Farm Operation - Utilities	300,000	0
3. Correction Dept. - Big Brothers Big Sisters - Amachi Mentoring for Children of Inmates - Grant	0	250,000
4. TennCare - Medicaid Systems Development Staffing (Federal \$1,252,500) (32 FT)	481,500	0
5. TennCare - Diabetic Test Strips - Rate Adjustment (Federal \$565,900)	289,100	0
6. Finance and Administration - Business Solutions	1,400,000	0

	<u>Recurring</u>	<u>Non-Recurring</u>
Delivery (8 FT)		
7. Veterans Affairs - Communications and Public Affairs Position (1 FT)	68,000	0
8. Correction - Local Jails Reimbursement @ \$37 per Day	4,000,000	0
9. Labor & WFD - Career Centers - Federal Revenue Decrease (\$6.8 M)	0	5,000,000
10. Health – Comprehensive Sickie Cell Clinic of Memphis - Grant	0	50,000
11. Safety - Motor Vehicle Operations	1,600,000	900,000
Total	<u>\$ 8,267,700</u>	<u>\$ 6,200,000</u>

Item 2. State Treasurer. From the general fund, the sum of \$200,000 (non-recurring) hereby is appropriated to the State Treasurer for expenditures relative to veterans organizations.

Item 3. Dedicated Source Appropriations. The following appropriations are from dedicated state revenue sources.

	<u>Recurring</u>
1. Agriculture - Beef Promotion Fund - Sum Sufficient from 50¢ per Head Assessment	\$ 235,000
2. Health - Health-Related Boards - Complaint Resolution - Mediator and Investigation Positions (7 FT)	760,400
Total	<u>\$ 995,400</u>

Item 4. State Treasurer. In addition to the appropriation of departmental revenue to the Treasury Department in Section 4, Title III-1, Item 6.1, there hereby is appropriated from the state pooled investment fund revolving account created pursuant to Tennessee Code Annotated, Section 9-4-603(g):

(a) An amount not to exceed \$250,000 for costs associated with employee relocation and office consolidation of the Department of Revenue and for costs of providing shared facilities services supporting the Treasury Department and the Department of Revenue.

(b) An amount not to exceed \$200,000 for implementation of image cash letter deposit initiatives within state agencies.

SECTION 69. Reorganization of Appropriations. In addition to the amounts appropriated in Section 1 of this act, the following amounts are appropriated, and the Commissioner of Finance and Administration is authorized to adjust federal aid and other departmental revenues and position authorizations accordingly. Provided, however, that the negative amounts in line-items of this section are appropriation reductions or deletions and the positive amounts are appropriation increases. Such

federal aid and other departmental revenue adjustments and full-time (FT) and part-time (PT) position authorizations are estimated in the text of the following line items.

	Recurring	
	Appropriation	Departmental Revenue
1. Correction – Field Services (-44 FT) - Reduce	\$ (4,019,500)	\$ 0
2. Parole Board - Staffing (44 FT)	4,019,500	0
3. Correction - Sentencing Act of 1985 - Reduce	(1,411,900)	0
4. Correction – Southeastern TN Regional Prison Expansion – Accelerated Staffing	1,411,900	0
5. General Services - Real Estate Asset Management – Staffing (-2 FT) – Reduce	(127,500)	0
6. Finance and Administration - State Architect - Staffing (2 FT)	127,500	0
7. Intellectual and Developmental Disabilities – Home- and Community-Based Services - Interdepartmental	0	(6,748,000)
Total	\$ 0	\$ (6,748,000)

### **BUDGET REDUCTIONS AND RECONCILIATION**

#### **SECTION 70. Budget Reductions and Reconciliation.**

Item 1. Court System - Core Services Program Reduction. The appropriation in Section 4, Title II, Item 7, to the Court System, Administrative Office of the Courts, from its reserves is reduced by \$456,300, and the authorized positions are reduced by five (5) for the purpose of deleting the item recommended in the 2012-2013 Budget Document, Volume 2, Base Budget Reductions, on pages 99 and 138, and identified as Core Services 2010-2011 Reductions, number 1, Staffing and Operational.

Item 2. Commerce and Insurance Department - Indirect Cost Reconciliation. The appropriation in Section 1, Title III-11, Item 1, Commerce and Insurance, Administration, is reduced by \$2,102,300 and the interdepartmental revenue estimate increased by the same amount to correct the estimated indirect costs of Regulatory Boards to an amount of \$1,280,200, rather than the amount of \$3,382,500 stated on page A-47 of the 2012-2013 Budget Document.

AND FURTHER AMEND in Section 2, Item 12(a), of the printed bill by deleting the figure “\$24,492,500” and substituting in lieu thereof the figure “\$25,904,400”.

AND FURTHER AMEND in Section 11, Item 1 of the printed bill by deleting sub-item (b) in its entirety and substituting instead:

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(b) The dollar value of the BEP instructional positions component shall be thirty-nine thousand eight hundred forty-nine dollars (\$39,849);

**SECTION 39 – FEDERAL AND OTHER DEPARTMENTAL REVENUE**

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39: The provisions of this section shall take effect upon becoming law, the public welfare requiring it. At June 30, 2012, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2012.

(a) There hereby is appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
District Attorneys General Conference		
1. District Attorneys General	\$ 143,400	\$ 0
Higher Education - State Administered Programs		
1. Tennessee Higher Education Commission	150,000	0
Labor and Workforce Development		
1. Employment Security	1,362,100	0
Mental Health		
1. Community Alcohol and Drug Abuse Services	\$ 2,090,700	\$ 4,354,600
2. Community Mental Health Services	0	2,200,000
Sub-Total Mental Health	\$ 2,090,700	\$ 6,554,600
Health		
1. Maternal and Child Health	\$ 500,000	\$ 7,852,200
2. Communicable and Environmental Disease Services	26,900	90,400
3. Community and Medical Services	129,600	0
4. Local Health Services	509,800	0
Sub-Total Health	\$ 1,166,300	\$ 7,942,600
Children's Services		
1. Custody Services	0	30,000
Sub-Total Section 39(a)	\$ 4,912,500	\$14,527,200

The Commissioner of Finance and Administration is authorized to establish eighteen (18) full-time positions and to allocate them to the appropriate



organizational units, including three (3) positions in the District Attorneys General Conference; one (1) in the Department of Commerce and Insurance, Tennessee Law Enforcement Training Academy; five (5) positions in the Department of Labor and Workforce Development; and nine (9) positions in the Department of Health, including eight (8) for continuation of federally funded positions in the Division of Communicable and Environmental Disease Services.

(b) From funds available from U.S. Public Law 111-5, the American Recovery and Reinvestment Act, there is hereby appropriated from federal funds and other departmental revenues the amounts hereinafter set out:

	<u>2011- 2012</u>	<u>2012- 2013</u>
Executive Department		
1. Governor's Office	\$ 15,000	\$ 45,000
Health		
1. Maternal and Child Health	69,800	209,500
Human Services		
1. Community Services	<u>127,900</u>	<u>554,100</u>
Sub-Total Section 39(b)	<u>\$ 212,700</u>	<u>\$ 808,600</u>

The Commissioner of Finance and Administration is authorized to establish three (3) full-time positions and to allocate them to the appropriate organizational units, including one (1) position in the Executive Department, one (1) position in the Department of Health, and one (1) position in the Department of Human Services.

Total Section 39	<u>\$5,125,200</u>	<u>\$15,335,800</u>
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### **CAPITAL OUTLAY**

AND FURTHER AMEND by deleting the following language from Title III-32 in Section 1 of the printed bill:

5. Department of Environment and Conservation .....	12,940,000.00
7. Department of General Services .....	12,930,000.00
13. Tennessee Board of Regents .....	48,930,000.00
14. University of Tennessee .....	34,345,000.00
Total Title III-32.....	\$ 138,600,000.00

and by substituting instead the following:

5. Department of Environment and Conservation .....	13,940,000.00
7. Department of General Services .....	15,660,000.00
13. Tennessee Rehabilitative Initiative in Correction .....	2,600,000.00
14. Tennessee Board of Regents .....	48,930,000.00
15. University of Tennessee .....	34,345,000.00

Total Title III-32.....\$ 144,930,000.00

AND FURTHER AMEND in Section 2 of the printed bill by inserting the following new items:

Item \_\_. The capital maintenance project, ETSU CoM Family Practice Replace Roof, to be funded in the amount of \$500,000 from the Tennessee Board of Regents appropriation in Section 1, Title III-32, Item 14 of this act and listed on page A-147 of the 2012-2013 budget document, is deleted and there is hereby reappropriated the sum of \$500,000 for the ETSU CoM Education Building Electrical Updates.

Item \_\_. In addition to the capital budget projects listed on pages A-144 through A-146 of the 2012-2013 budget document, two capital budget projects and one capital maintenance project are funded in the appropriations in Section 1, Title III-32, Items 5, 7 and 13 of this act:

- (a) Department of Environment and Conservation -  
Radnor Lake State Natural Area – Land Acquisition \$1,000,000.00
- (b) Department of General Services – Capital Maintenance -  
Management Support Services \$2,730,000.00
- (c) Tennessee Rehabilitative Initiative in Correction -  
Cook-Chill Equipment Replacement and Repair \$2,600,000.00

**SECTION 1 AND 4 AMENDMENTS - FACILITIES REVOLVING FUND (FRF)**

AND FURTHER AMEND by deleting the following language from Title III-29 in Section 1 of the printed bill:

- 2. General Services Project Maintenance..... 5,547,600.00
- 3. Capital Projects ..... 125,100,000.00
- Total Title III-29 .....\$ 138,164,800.00

and by substituting instead the following:

- 2. General Services Project Maintenance..... 1,100,000.00
- 3. Facilities Management..... 5,547,600.00
- 4. Capital Projects ..... 115,870,000.00
- Total Title III-29 .....\$ 130,034,800.00

AND FURTHER AMEND by deleting the following language from Title III-26 in Section 4 of the printed bill:

- 4. Capital Projects ..... 6,680,000.00
- Total Title III-26 .....\$ 138,902,200.00

and by substituting instead:

4. Capital Projects .....	13,667,300.00
Total Title III-26 .....	\$ 145,889,500.00

AND FURTHER AMEND by inserting a new section, to follow Section 71 of this amendment, to read as follows:

SECTION 72. It is the legislative intent to recognize revisions in the Facilities Revolving Fund (FRF) capital improvements and capital maintenance projects listed on pages A-170 and A-171 of the 2012-2013 budget document. The projects are funded by appropriations made in Section 1, Title III-29, Item 4, and in Section 4, Title III-26, Item 4, of this act and from residual bond reserves of the Facilities Revolving Fund.

Item 1. In addition to the projects identified in the 2012-2013 budget document, \$4,720,000 is provided from revenues of the Facilities Revolving Fund for Capital Maintenance – Management Support Services.

Item 2. In addition to the projects identified in the 2012-2013 budget document, \$3,900,000 is provided from residual bond reserves (\$3,100,000) of the Facilities Revolving Fund and Office of Information Resources revenues (\$800,000) for the OIR Data Center North Renovation.

Item 3. The Davy Crockett Building Renovations project in the amount of \$1,000,000, as identified in the 2012-2013 budget document is hereby increased by \$2,720,000 in state appropriations, and \$1,480,000 from revenues of the Facilities Revolving Fund.

Item 4. In addition to the projects identified in the 2012-2013 budget document, \$427,300 is provided from revenues of the Facilities Revolving Fund to address Security Upgrades of the Legislative Plaza.

Item 5. The Rachel Jackson Building Renovations project in the amount of \$2,200,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 6. The R.S. Gass Laboratory Interior Renovations project in the amount of \$2,450,000, as identified in the 2012-2013 budget document, is hereby reduced by \$1,800,000.

Item 7. The John Sevier Interior Renovation project in the amount of \$6,000,000 as identified in the 2012-2013 budget document, is hereby canceled.

Item 8. The Central Services Building Interior Renovation project in the amount of \$1,950,000, as identified in the 2012-2013 budget document, is hereby canceled.

Item 9. The TPS Hardison Complex Flooring Updates project in the amount of \$440,000, as identified in the 2012-2013 budget document, is hereby canceled.

**HIGHER EDUCATION DISCLOSED CAPITAL OUTLAY  
FROM SCHOOL BONDS AND INSTITUTIONAL SOURCES**

AND FURTHER AMEND in Section 29, Item 21 of the printed bill by inserting a new item to read:

The following proposed capital outlay projects, to be funded from school bonds, institutional/auxiliary and other funds, are in addition to those projects listed on pages A-150 through A-151 in the 2012-2013 Budget Document:

**State University and Community College System  
(Tennessee Board of Regents)**

**Austin Peay State University**

Dunn Center Scoreboard Replacement	\$ 1,870,000
<b>Total APSU</b>	<b>\$ 1,870,000</b>

**East Tennessee State University**

Baseball Stadium Upgrades	\$ 4,500,000
Gray Fossil Site Improvements	180,000
Pedestrian Safety Improvements	1,000,000
<b>Total ETSU</b>	<b>\$ 5,680,000</b>

**Middle Tennessee State University**

Athletic Track Refurbishment	\$ 400,000
Data Center Consolidation	5,250,000
Keathley University Center Renovation	3,000,000
McFarland Building Renovations	2,000,000
<b>Total MTSU</b>	<b>\$ 10,650,000</b>

**Tennessee State University**

Campus-wide Relocations and Renovations	\$ 250,000
Charter School Facilities Development	1,700,000
Hankal Hall Relocations and Renovations	1,000,000
<b>Total TSU</b>	<b>\$ 2,950,000</b>

**Tennessee Technological University**

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Foundation Hall Parking	\$	630,000
Intramural Sports and Activities Building		7,210,000
Parking and Transportation Improvements		750,000
Warf/Ellington Residence Hall Upgrade		2,250,000
Science & Engineering Complex Parking Garage		18,000,000
Tech Village Apartments Renovations Phase 3		9,680,000
<b>Total TTU</b>	<b>\$</b>	<b>38,520,000</b>

**University of Memphis**

Annex Facility Improvements	\$	400,000
Dining Pavilion Construction		150,000
Emergency Operations Generator		150,000
Intramural Field Development		1,300,000
Park Avenue Campus Entry		500,000
Traffic and Circulation Improvements		3,000,000
Zach Curlin Parking Extension		1,100,000
Carney-Johnston Dormitory Renovation		3,000,000
Dormitory Reroofing		920,000
<b>Total UoM</b>	<b>\$</b>	<b>10,520,000</b>

**Cleveland State Community College**

Fire Alarm System Upgrade	\$	1,000,000
<b>Total CLSCC</b>	<b>\$</b>	<b>1,000,000</b>

**Jackson State Community College**

Student Center Repairs and Updates	\$	500,000
<b>Total JSCC</b>	<b>\$</b>	<b>500,000</b>

**Nashville State Community College**

Antioch Teaching Site Renovations	\$	3,680,000
<b>Total NASCC</b>	<b>\$</b>	<b>3,680,000</b>

**Pellissippi State Community College**

Campus Window Replacement	\$	300,000
Career Center Renovation		700,000
Division Street Parking		820,000
Magnolia Campus Student Parking		600,000
Modular Classroom Building		370,000
<b>Total PSCC</b>	<b>\$</b>	<b>2,790,000</b>

**Southwest Tennessee Community College**

F Building Renovations	\$	190,000
Whitehaven Renovations		5,600,000
<b>Total STCC</b>	<b>\$</b>	<b>5,790,000</b>

**Volunteer State Community College**

Campus Loop Road Extension	\$	3,000,000
Wood Campus Center Upgrades		3,000,000
<b>Total VSCC</b>	<b>\$</b>	<b>6,000,000</b>

**TTC Nashville**

Aviation Hanger Construction	\$	100,000
<b>Total TTC Nashville</b>	<b>\$</b>	<b>100,000</b>

<b>Total Tennessee Board of Regents</b>	<b>\$</b>	<b>90,050,000</b>
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**University of Tennessee System**

**University of Tennessee Chattanooga**

West Campus Parking & Housing Complex Planning	\$	2,500,000
Arena Renovations Planning		100,000
Dining Services Improvements		1,000,000
Life Sciences Laboratory Facility Planning		3,000,000
<b>Total UTC</b>	<b>\$</b>	<b>6,600,000</b>

**UT Institute of Agriculture**

Energy & Enviro. Sciences Education Ctr. Planning	\$	2,000,000
<b>Total UTIA</b>	<b>\$</b>	<b>2,000,000</b>

**University of Tennessee Knoxville**

Phillip Fulmer Way Expansion	\$	15,000,000
Greve Hall Improvements Phase 2		4,000,000
Panhellenic Building Renovation Phase 2		4,000,000
Lab Renovations		11,000,000
Deferred Maintenance		12,500,000
New Student Housing Planning		3,000,000
<b>Total UTK</b>	<b>\$</b>	<b>49,500,000</b>

**UT Martin**

Fine Arts Renovation and Addition Planning	\$	500,000
Football Pressbox Improvements Planning		100,000

Total UTM	<u>\$ 600,000</u>
Total University of Tennessee	<u>\$ 58,700,000</u>
Grand Total	<u><u>\$ 148,750,000</u></u>

The UT Chattanooga request for Mackenzie Arena Seating & Curtain System Improvements in the amount of \$1,200,000 and the UT Knoxville request for Shelbourne Tower Renovation in the amount of \$18,000,000 as identified on page A-151 of the 2012-2013 Budget Document are to be canceled.

#### **OTHER PROVISIONS**

AND FURTHER AMEND in Section 29 by inserting the following new item at the end of the section:

Item \_\_\_\_\_. From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

AND FURTHER AMEND in Section 9, Item 4, by deleting the words “investment performance” and substituting in lieu thereof the words “investment and pensions administration performance” and by deleting the words “investment staff” and inserting in lieu thereof the words “investment and administrative staff”.

AND FURTHER AMEND in Section 9, Item 5, by deleting the words and punctuation “for payment of Unclaimed Property – Claims” and inserting in lieu thereof the words and punctuation “, Unclaimed Property, for payment of claims and claims administrative expense”.

AND FURTHER AMEND in Section 34 of the printed bill by inserting a new item to read:

Item \_\_\_\_\_. To the administration and support services programs in Section 1, Title III-10, Items 1.1 through 1.7, which are administered by the Tennessee Higher Education Commission or the Tennessee Student Assistance Corporation.

AND FURTHER AMEND in Section 35 of the printed bill by inserting a new item to read:

Item \_\_\_\_\_. To the University of Tennessee System in Section 1, Title III-10, Item 3 to provide for technical corrections to the allocation of funding for 401K benefits.

AND FURTHER AMEND in Section 36, by deleting Item 56 in its entirety and inserting in lieu thereof the following:

Item 56. To the Treasury Department for college savings incentive initiatives and a college savings plan in Public Acts of 2010, Chapter 1108, Section 1, Title III-1, Item 7.3, and Section 35, Item 3; and Public Acts of 2011, Chapter 473, Section 1, Title III-1, Item 7.3, and Section 72, Item 3, and Section 36, Item 60.

AND FURTHER AMEND in Section 36 of the printed bill by inserting new items at the end of the section to read:

Item \_\_\_. To the Department of Children's Services in Section 1, Title III-23 to fund operational expenses during the closure process of the Taft Youth Developmental Center. The carry-forward amount is subject to approval by the Commissioner of Finance and Administration.

Item \_\_\_. To the Department of Environment and Conservation in Section 1, Title III-5, the unexpended balance of the \$750,000 non-recurring appropriation for May 2010 flood, stream debris removal and repair.

AND FURTHER AMEND in Section 41 by inserting the following new items at the end of the section:

Item \_\_\_. For the purpose of defraying administrative costs of authorized programs of the Tennessee Local Development Authority, there is hereby appropriated to the Tennessee Local Development Authority an amount not to exceed \$700,000 from loan repayment amounts attributable to community provider loans. Such amounts shall be determined as necessary by the State Funding Board and the Tennessee Local Development Authority.

Item \_\_\_. Court Interpreter Services. The cost increase described in the Budget Document on page B-212 as "General Sessions Courts – Interpreter Services" is incorrectly described in the Budget Document. From the appropriation to the Court System, Administrative Office of the Courts, in Section 1, Title II, Item 13, the sum of \$2,000,000 hereby is appropriated for the purpose of providing interpreter services, in accordance with the rules prescribed by the Supreme Court, to persons with limited English language proficiency who have a matter before courts established by or pursuant to Tennessee law. Provided further that the appropriation is authorized to be transferred by the Commissioner of Finance and Administration to a new line item to be called Court Interpreter Services; and provided further that the commissioner, subject to approval of the Administrative Director of the Courts, is authorized to transfer the sum of \$1,000,000 from Indigent Defendants Counsel to Court Interpreter Services, such sum being the estimated amount that otherwise would be expended for interpreter services to indigent defendants in criminal cases in the state courts.

Item \_\_\_. Settlement and Judgment Awards and Similar Awards. In addition to the appropriations in Public Acts of 2011, Chapter 473, and in this act, such sums as are received by the Attorney General and Reporter or other state officials and agencies in settlements and judgments and similar awards hereby



are appropriated for the purposes received, as determined by the Attorney General and Reporter in accordance with such settlements and judgments. The Commissioner of Finance and Administration shall classify such funds as are received in accordance with generally accepted accounting principles and, as advised by the Attorney General and Reporter, is authorized to allot such funds for expenditure by the appropriate departments and organizational units of state government. At June 30, 2012, and any subsequent fiscal year end, the unexpended balance of such funds shall be reserved and carried forward for expenditure in the subsequent fiscal year; and such funds as are carried forward hereby are appropriated for the intended purposes. The provisions of this item shall not require the reserving of such funds in cases in which the settlement or judgment does not require the set-aside or expenditure of funds for a specific purpose or in amounts that are intended to benefit the general fund, provided, however, that funds designated for the Attorney General and Reporter shall be reserved in the Attorney General Litigation Settlement Reserve.

Item \_\_. Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

#### **OVER-APPROPRIATION AND REVERSION ADJUSTMENTS**

AND FURTHER AMEND by deleting the following language and punctuation from Item 1(a) in Section 43 of the printed bill:

“and a non-recurring reversion of \$94,500,000.”

and by substituting instead the following:

“and a non-recurring reversion of \$107,300,000.”

AND FURTHER AMEND by inserting a new sub-item in Item 1 in Section 43 of the printed bill to read:

(c) In fiscal year 2012-2013 to recognize an Office for Information Resources (OIR) rate decrease in the estimated recurring amount of \$2,600,000 by reducing appropriations made in Section 1 of this act.

**TENN-CARE FEDERAL PROGRAM EXPANSION**

AND FURTHER AMEND by inserting a new item in Section 48 of the printed bill to read:

Item \_\_. There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

**2012-2013 SALARY POLICY**

AND FURTHER AMEND by deleting in its entirety Item 2 in Section 49 of the printed bill and by renumbering the subsequent items in Section 49.

AND FURTHER AMEND by inserting a new paragraph at the end of the newly designated Item 4 in Section 49 (Item 5 of the printed bill) to read:

From the \$15,000,000 appropriation it is the legislative intent to earmark for non-executive agencies the following amounts in fiscal year 2012-2013:

Legislature .....	\$ 253,500.00
Fiscal Review Committee .	12,000.00
Court System .....	244,500.00
Attorney General and Reporter	550,000.00
Secretary of State .....	225,000.00
Comptroller of the Treasury	379,500.00
Treasury Department .....	1,500.00
Total Non-Executive Agencies.....	\$1,666,000.00

AND FURTHER AMEND in Section 60 of the printed bill by adding the following at the end of the first paragraph:

Provided, however, that severance benefits shall not be considered to have been due to any terminated employee who is re-employed by the state within sixty days of termination, and any such employee shall reimburse the state on a pro-rata basis in such circumstance. Any such repayment shall be made in accordance with applicable payroll and accounting policies and procedures so that the repayment amount is paid by the end of the calendar year.

**HOUSEKEEPING PROVISIONS**

AND FURTHER AMEND in Section 1, Title III-30, in the fourth paragraph thereof, by deleting the word "Chairmen" in both instances and substituting in both places the word "Chairs".

AND FURTHER AMEND in Section 3, Item 1, in the third paragraph, by deleting the word "chairman" and substituting in lieu thereof the word "chair".

AND FURTHER AMEND and in Section 6, Item 12, by deleting the citation "Senate Bill \_\_\_\_ / House Bill \_\_\_\_" in both instances and substituting in lieu thereof in both places the citation "Senate Bill 3769 / House Bill 3836".

AND FURTHER AMEND in Section 7, Item 1, by deleting the date "2011-2012" and substituting in lieu thereof the date "2012-2013".

AND FURTHER AMEND in Section 7, Item 2, by deleting the word "Chairman" and substituting in lieu thereof the word "Chair" and by deleting the word "him" in both instances and in the first instance substituting the words "the Chair" and in the second instance substituting the words "the Secretary".

AND FURTHER AMEND in Section 7, Item 12, by deleting the word "firemen" and substituting in lieu thereof the word "firefighters", by deleting the word "fireman's" and substituting the word "firefighter's", and by deleting the word "his" and substituting the word "the".

AND FURTHER AMEND in Section 7, Item 13, by deleting the word "his" and substituting in lieu thereof the word "the".

AND FURTHER AMEND in Section 8, Item 5, by deleting the first comma and by inserting after the word and punctuation "General," the words and punctuation "in accordance with Tennessee Code Annotated, Section 8-6-106,".

AND FURTHER AMEND in Section 8, Item 11, by deleting the word "Agency" and inserting in lieu thereof the word "Authority".

AND FURTHER AMEND in Section 8, Item 16(e) by deleting the words and citation "and Section 67-4-606".

AND FURTHER AMEND in Section 8, Item 19(e) by deleting the word "Authority" and substituting in lieu thereof the word "Agency".

AND FURTHER AMEND in Section 8, Item 30(b) by deleting the words and date "Act of 1989" and substituting in lieu thereof the words "Incentive Account".

AND FURTHER AMEND in Section 8, Item 37, by deleting the word "unit" and substituting in lieu thereof the word "Division".

AND FURTHER AMEND in Section 10, Item 16, of the printed bill by inserting after the citation "Item 2" the words "and in Section 68, Item 1 (8)" and by deleting the amount "\$35.00" in all three places and inserting in lieu thereof the amount "\$37.00".

AND FURTHER AMEND in Section 10, Item 17, by deleting the amount “five hundred dollars (\$500.00)” and substituting in lieu thereof the amount “one thousand dollars (\$1,000.00)”.

AND FURTHER AMEND in Section 10, Item 25, by deleting the word “specialty” and inserting in lieu thereof the words and punctuation “cultural, specialty earmarked, new specialty earmarked, and collegiate”; and by inserting the following before the period at the end of the sentence: “, as provided in Tennessee Code Annotated, Title 55, Chapter 4”.

AND FURTHER AMEND in Section 10, by renumbering items 30, 31, 32, and 33, as items 28, 29, 30, and 31, respectively.

AND FURTHER AMEND in Section 12, Item 2, by deleting the TCA citation “4-5-209” and substituting in lieu thereof the citation “4-5-208”.

AND FURTHER AMEND in Section 12, Item 3, by deleting the words “bill is minimal” and inserting in lieu thereof the words “bill as enacted is minimal”.

AND FURTHER AMEND in Section 15, Item 7 of the printed bill by deleting the words “Finance and Administration” in two places in the item and substituting instead the words “General Services” in both places.

AND FURTHER AMEND in Section 20 by deleting the year “2012” and substituting in lieu thereof the year “2013”.

AND FURTHER AMEND in Section 23, Item 1, in the second paragraph, in its first sentence, by deleting the words “estimated federal” and inserting in lieu thereof the word “federal”.

AND FURTHER AMEND the printed bill in Section 23, Item 3, by deleting the item in its entirety and by substituting instead the following:

Item 3. The capital budget and appropriations for capital outlay shall be presented as provided in Senate Bill 2418 / House Bill 2552 or Senate Bill 3771 / House Bill 3839, if such provisions in either bill become law. If such provisions in either cited bill do not become law, the following provisions of this item shall not apply and Tennessee Code Annotated, Section 9-4-5108(b) shall apply; if such provisions in either cited bill become law, then the provisions of such bill and the following provisions of this item shall apply:

The capital budget, to be included in part 3 of the budget document, shall contain funding for all capital outlay. Funding for all capital improvement projects of whatever amount and funding for each capital maintenance project of one million dollars (\$1,000,000) or more shall be specified by project, by affected spending agency, and by funding sources, including state current funds, bonds, and other revenue. Funding for each capital maintenance project of less than one million dollars (\$1,000,000) shall be specified in such detail in the budget document as the Governor shall determine. Appropriations for capital improvement and capital maintenance projects shall be specified by state agency

in lump sums consistent with capital improvement and maintenance projects detailed in the budget document.

AND FURTHER AMEND in Section 23, Item 4, of the printed bill by deleting the word “Chairmen” and inserting in lieu thereof the word “Chairs”.

AND FURTHER AMEND in Section 26, Item 6, by deleting, in the first instance in which they appear, the words “as authorized under” and substituting in lieu thereof the words “at the same rates and in the same manner provided by”.

AND FURTHER AMEND in Section 28 by inserting after the word “Administration” at the end of the second sentence the words “and the Comptroller of the Treasury, pursuant to Tennessee Code Annotated, Section 4-3-304”.

AND FURTHER AMEND in Section 31 of the printed bill by:

(a) deleting the following language:

2. Mental Health Services block grant in the amount of \$8,174,600

and inserting in lieu thereof the following:

2. Mental Health Services block grant in the amount of \$10,374,600

; and,

(b) deleting the following language:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$30,275,500

and inserting in lieu thereof the following:

8. Substance Abuse Prevention and Treatment block grant in the amount of \$34,275,500

AND FURTHER AMEND in Section 35, Item 1, by inserting after the word and punctuation “Counsel,” the words and punctuation, “Court Interpreter Services,”.

AND FURTHER AMEND in Section 36, Item 57, by deleting the citation “Section 77, Item 19” and inserting in lieu thereof the citation “Section 41, Item 35, of this act”.

AND FURTHER AMEND in Section 36, Item 4, by deleting the TCA citation “67-4-606(a)(B)(9)” and substituting in lieu thereof the citation “67-4-606(a)(9)”.

AND FURTHER AMEND in Section 41, Item 19, by deleting the words and punctuation “(d) Governor’s Schools; and (e) Governor’s Institute for Science and Math” and inserting in lieu thereof the words and punctuation “and (d) Governor’s Schools”.

AND FURTHER AMEND in Section 41, Item 20, by deleting the words “the Tennessee Infant Parent Services School” and inserting in lieu thereof the words “Tennessee Early Intervention Services”.

AND FURTHER AMEND in Section 41, Item 24, by deleting the word “rent” and inserting in lieu thereof the word “rental”.

AND FURTHER AMEND in Section 41, Item 33, by deleting the TCA citation “67-801(b)(1)” and substituting in lieu thereof the citation “67-1-801(b)(1)”.

AND FURTHER AMEND by inserting new items at the end of Section 41 of the printed bill to read:

Item \_\_\_\_\_. The Commissioner of Finance and Administration is authorized to establish three (3) additional full-time positions in the Department of Environment and Conservation, State Parks, to correct a position count error.

Item \_\_\_\_\_. The Commissioner of Finance and Administration is authorized to establish one (1) additional full-time position in the Comptroller of the Treasury, Division of County Audit, to correct a position count error.

AND FURTHER AMEND in Section 48 of the printed bill by deleting in Item 7 the date “June 30, 2012” and the figure “\$10,100,000” and by substituting instead the date “June 30, 2013” and the figure “\$8,969,100”.

### **LEGISLATIVE AMENDMENT**

AND FURTHER AMEND by adding the following new sections:

### **LEGISLATIVE SOURCE ADJUSTMENTS**

#### **SECTION 72.**

Item 1. The appropriation in Section 1, Title III-9, Item 2.1(b) to the Department of Education, Career Ladder, is reduced by the sum of \$1,500,000 (recurring) for the purpose of recognizing program savings because of attrition.

Item 2. At June 30, 2012, the sum of \$15,000,000 shall be transferred to the General Fund from Tennessee Emergency Management Agency (TEMA), Reserve for Disaster Relief, and the remaining unexpended balance of TEMA disaster relief appropriations and reserves shall be carried forward at June 30, 2012, and hereby is appropriated for expenditure in the year beginning July 1, 2012. The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

Item 3. The appropriation in Section 1, Title III-29, to the Facilities Revolving Fund, Capital Projects, is reduced by \$5,500,000 for the purpose of reducing to \$69,500,000 the Office Consolidation Project identified on page A-170 of the 2012-2013 Budget Document.

Item 4. Of the appropriation in Section 1, Title III-8, Item 3, to the Department of Economic and Community Development, FastTrack Infrastructure and Job Training Assistance Program, and identified on page B-330 of the 2012-2013 Budget Document as a cost increase of \$10,000,000 recurring and \$10,000,000 non-recurring, the recurring sum of \$10,000,000 hereby is designated as a non-recurring appropriation, such that the entire \$20,000,000 FastTrack program cost-increase described on page B-330 shall be non-recurring.

Item 5. Of the appropriation in Section 1, Title III-9, Item 2.1(c), to the Department of Education, Basic Education Program (BEP), and identified as core-services continuation of BEP ADM Growth Funding on page 118 of the 2012-2013 Budget Document, Volume 2, a sum of \$3,500,000 hereby is designated as a non-recurring appropriation.

### **DEDICATED SOURCE & EARMARKS**

#### **SECTION 73.**

##### **Item 1.**

(a) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of implementing Chapter 734 of the Public Acts of 2012, Chapter 739 of the Public Acts of 2012, Chapter 740 of the Public Acts of 2012, Senate Bill 2278 / House Bill 2682, Senate Bill 2401 / House Bill 2329, Senate Bill 2678 / House Bill 2803, Senate Bill 2684 / House Bill 2794, Senate Bill 2732 / House Bill 2793, Senate Bill 2733 / House Bill 2878, Senate Bill 2778 / House Bill 3570, House Joint Resolution 872, and Senate Joint Resolution 629, if such bills and resolutions become law.

(b) From the funds appropriated to the Department of Transportation, there is earmarked a sum sufficient for the sole purpose of funding any general bill or resolution, that becomes law, designating an interstate, United States highway or state highway as a memorial highway or as a memorial bridge for certain individuals killed in the line of duty, pursuant to § 54-1-133 or § 54-5-1003, that is not otherwise funded in this act. It is the legislative intent that such funding be earmarked for implementation of such bills and resolutions in the fiscal year ending June 30, 2013 and in subsequent fiscal years.

(c) This item shall take effect upon becoming a law, the public welfare requiring it.

Item 2. From funds available and appropriated to the Department of Commerce and Insurance (Scrap Metal Registration Program), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 2895 / House Bill 3246, relative to scrap metal dealers, if such bill becomes law.

Item 3. From funds available and appropriated to the Department of Health (Division of Health Related Boards), there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3644 / House Bill 3688, relative to electronic notifications, if such bill becomes law.

Item 4. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing the provisions of Senate Bill 3655 / House Bill 3690, relative to licenses for disabled minors, if such bill becomes law.

Item 5. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$400 for the sole purposes of implementing the provision of Senate Bill 3590 / House Bill 2776, relative to reorganization of the agency, if such bill becomes law.

Item 6. From funds appropriated to the Tennessee Wildlife Resources Agency, there is earmarked the sum of \$1,500 for the sole purpose of implementing the provisions of Senate Bill 2403 / House Bill 2294, relative to licenses for person with intellectual disabilities, if such bill becomes law.

Item 7. From funds appropriated the University of Tennessee System and the Tennessee Board of Regents System, there is earmarked a sum sufficient for the sole purpose of implementing Senate Bill 3022 / House Bill 3665, relative to background checks, if such bill becomes law.

Item 8. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution No. 221, in accordance with Section 3 of Article XI of the Tennessee Constitution, if such resolution is adopted.

Item 9. From the funds appropriated to the Secretary of State, there is earmarked a sum sufficient for the sole purpose of publishing Senate Joint Resolution 183 and/or Senate Joint Resolution 710, in accordance with Section 3 of Article XI of the Tennessee Constitution if either, or both, such resolutions are adopted.

### **LEGISLATIVE INITIATIVES**

#### **SECTION 74.**

Item 1. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing Senate Bill 2863 / House Bill 3213, Senate Bill 3155 / House Bill 3272, Senate Bill 2368 / House Bill 2488, Senate Bill 2371 / House Bill 2493, Senate Bill 1325 / House Bill 1379, Senate Bill 3005 / House Bill 2868, Senate Bill 2349 / House Bill 2311, Senate Bill 2606 / House Bill 2655, Senate Bill 2759 / House Bill 3082, Senate Bill 2129 / House Bill 2309, Senate Bill 2886 / House Bill 3225, Senate Bill 2438 / House Bill 2733, Senate Bill 3176 / House Bill 2334, Senate Bill 2066 / House Bill 2114, Senate Bill 2819 / House Bill 2663, and

5500



Senate Joint Resolution No. 701, if such bills and resolutions become law. It is the legislative intent that if funding is earmarked for such implementation in such bills or resolutions that the funds appropriated in this item be reduced accordingly.

Item 2. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$250,000 (non-recurring) to the department of education for the sole purpose of allocating such sum as grants in equal amounts to each Tennessee public television station, to be used for equipment, programs and operational expenses.

Item 3. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the department of finance and administration for the sole purpose of making grants in the amount of \$37,500 each to the Rutherford County Drug Court and the Williamson County Drug Court, to be used for operational expenses.

Item 4. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the department of finance and administration for the sole purpose of contracting with a nonprofit organization for promotion of health awareness among Tennessee males. Such nonprofit organization must have been established prior to January 1, 2004; must have received a contract administered through the Tennessee department of health; must have received funding through the vitamin supplement settlement of June 2003, administered by the Tennessee attorney general's office; and must possess substantial experience with general health outreach and education activities for males in Tennessee, including activities for the general population and the underserved living in Tennessee.

Item 5. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to the Crumley House located in Washington County, to be used for the provision of programs and services on behalf of persons suffering from traumatic brain injuries.

Item 6. In addition to any other funds appropriated by the provision of this act, there is appropriated the sum of \$125,000 (non-recurring) to the department of health for the sole purpose of making a grant in such amount to the Memphis Oral School for the Deaf, to be used for programs and operational expenses.

Item 7. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Department of Health for the sole purpose of the vaccine billables project.

Item 8. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Administrative Office of the Courts for the sole purpose of making a grant in such amount to the Legal Aid Society of East Tennessee, to be used for domestic violence programs and services provided through the organization's Chattanooga office.

Item 9. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$335,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of restoring base funding for the West Tennessee River Basin Authority major maintenance program.

Item 10. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$30,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of the continuation of the historical interpretation pilot project. It is the intent of the General Assembly that such funds be distributed to the same property funded in Section 77, Item 7, of Chapter 473 of the Public Acts of 2011.

Item 11. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee History for Kids, Inc., to be used for programs, services, and operational expenses.

Item 12. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$157,500 (non-recurring) to the Department of Tourist Development for the purposes of web site development, marketing, advertising and other support services for the Tennessee Sesquicentennial Commission.

Item 13. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$316,000 (non-recurring) to the Department of Human Services for the sole purpose of making a grant in such amount to the Second Harvest Food Bank of Middle Tennessee, to be used for the purpose of purchasing, handling, and transporting food for hunger relief. The Second Harvest Food Bank of Middle Tennessee shall distribute the funds to the five (5) food banks across the state, as follows:

35% to Second Harvest Food Bank of Middle Tennessee;

25% to Memphis Food Bank;

20% to Second Harvest Food Bank of East Tennessee;

10% to Chattanooga Area Food Bank;

10% to Second Harvest Food Bank of Northeast Tennessee.

Item 14. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$450,000 (non-recurring) to the Department of Economic and Community Development for the sole purpose of local planning transition grants. It is the intent of the General Assembly that each of the nine (9) development districts receive \$50,000.

Item 15. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$120,000 (recurring) to the Commission on Children and Youth for the sole purpose of making grants of \$15,000 each to seven (7) counties participating in the Court Appointed Special Advocates (CASA) program and to one (1) additional county seeking to participate in the program, bringing the total counties receiving state funds to forty-five (45).

Item 16. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,681,500 (non-recurring) to the Department of Intellectual and Developmental Disabilities for the sole purpose of restoring funding for the Family Support Program that provides assistance to developmentally disabled individuals who do not qualify for intellectual disabilities services.

Item 17. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$75,000 (non-recurring) to the Department of Education for the sole purpose of making a grant in such amount to the Education Equal Opportunity Group, Inc. (EEOG), to be used to support student participation in EEOG programs for at-risk and under-served students.

Item 18. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Tennessee Bureau of Investigation (TBI) for the sole purpose of making grants to local governments in which Crime Stoppers operates. The TBI is authorized to award such grants upon application submitted by a local government as required by the TBI.

Item 19. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$180,000 (non-recurring) to the Department of Education for the sole purpose of grants-in-aid to science alliance museums.

Item 20. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$2,000,000 (non-recurring) to the Department of Education for the sole purpose of restoring funds for school internet connectivity.

Item 21. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$25,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of training and improving administrative practices for drug task forces.

Item 22. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$105,000 (non-recurring) to the Department of Education for the sole purpose of career and technical education programming implemented through the Tennessee Alliance of Boys & Girls Clubs.

Item 23. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$800,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant

in such amount to Meharry Medical College, to be used in support of the Meharry HBCU Wellness Project.

Item 24. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$95,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the National Institute for Law and Equity (NILE), to be used for operational expenses and programs, including continuation of the Parent Partner Program.

Item 25. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the District Attorneys General Conference for the sole purpose of hosting the National Association of Prosecutor Coordinators (NAPC) conference in Nashville during December 2012.

Item 26. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$49,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to the Secret Safe Place for Newborns, to be used for the purpose of informing the community of safe, secret options under the Safe Haven Law.

Item 27. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Shelby County Drug Court under the guidance of Judge Tim Dwyer, to be used for programs, services and operational expenses.

Item 28. In addition to any other funds appropriated by the provisions of this act, there is appropriated an amount up to \$100,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of research and publication of up to one thousand two hundred (1,200) hardbound copies of the next volume of the Biographical Directory of the Tennessee General Assembly.

Item 29. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$150,000 (non-recurring) to the Department of Health for the sole purpose of making a grant in such amount to St. Jude Hospital in Memphis, to defray, in whole or in part, the expenses of patients and their families who are citizens and residents of Tennessee in traveling to and from St. Jude Hospital. Such payments shall be administered by the hospital and shall be made on the basis of need. Such patients, or their families, requesting assistance from these funds shall supply such documents supporting need and travel expenses as the hospital may require.

Item 30. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$206,300 (non-recurring) to the Department of Health, Bureau of Health Services, Community and Medical Services, for the sole purpose of restoring funding for the epilepsy program.

Item 31. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Nashville Drug Court Support Foundation, a non-profit corporation, to be used for general operating costs to help prevent and resolve issues related to substance abuse.

Item 32. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$50,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to a Tennessee nonprofit fund supporting services to communities of greatest need to be used for enterprise development week youth economic summits in Nashville, Chattanooga and Memphis.

Item 33. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to A Bridge of Hope, to be used to provide human trafficking training programs to law enforcement officers.

Item 34. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$125,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for the acquisition of underwater radar and associated costs.

Item 35. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$15,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to the Tennessee Association of Rescue Squads, to be used for operational costs.

Item 36. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the University of Tennessee System for the sole purpose of programs and services provided through the UT Law Enforcement Innovation Center.

Item 37. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$200,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to the town of Somerville, to be used for seed money in the town's efforts to build a facility for higher education.

Item 38. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$300,000 (non-recurring) to the department of finance and administration for the sole purpose of making a grant in such amount to E.M. Jellinek Center of Knoxville, Tennessee, to be used for programs, services, and operational expenses related to substance abuse treatment.

Item 39. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$10,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making a grant in such amount to Tennessee CASA, to be used for programs and services.

Item 40. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 (non-recurring) to the Department of Environment and Conservation for the sole purpose of making a grant in such amount to the Chickasaw Basin Authority.

Item 41. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$35,000 (non-recurring) to the Tennessee Historical Commission for the sole purpose of conducting an audit of war memorials to ensure that all appropriate individuals have been listed on such memorials. No later than December 1, 2012, the commission shall report to the members of the finance, ways and means committees of the senate and the house of representatives on the physical condition of the various memorials to identify substandard memorials. The commission shall develop a plan to remedy any problems discovered with such memorials.

Item 42. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$1,000,000 (non-recurring) to the Board of Regents, for the sole purpose of building out the space for the third floor of the new Allied Health and Technologies Building of the Roane State Community College, Oak Ridge campus. Such state funding is supplemental to institutional funding in the amount of \$1,300,000 to complete the third floor. It is intended that this state funding in support of the additional space will assist the school in meeting the demand for health science programs.

Item 43. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$500,000 (non-recurring) to the Tennessee Arts Commission for the sole purpose of making a grant in such amount for musical heritage.

Item 44. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$244,000 (non-recurring) to the Department of Finance and Administration for the sole purpose of making grants, in equal amounts, to the drug courts located in non-urban counties, to be used for programs, services and operational expenses.

Item 45. To the University of Tennessee, \$5,000,000 is made available from National Academy-Level Faculty unobligated reserves for use toward the completion of the Joint Institute for Advanced Materials Science (JIAMS) research laboratory facility at Cherokee Farm. The provisions of this item shall take effect upon becoming a law, the public welfare requiring it.

### **LANGUAGE AMENDMENTS**

#### **SECTION 75.**

Item 1. From the funds appropriated by this act, the department of finance and administration is directed to study the increasing prices of gasoline compared to the applicable rate of mileage reimbursement paid to state employees, excluding members of the general assembly, for using personally owned or leased vehicles in the course of official state business. The department shall propose recommendations arising from the study, including recommendations for increasing the rate of reimbursement when the average price of regular gas in this state exceeds four dollars (\$4.00) per gallon or a higher amount, as certified by the American Automobile Association's ("AAA") Daily Fuel Gauge Report. Such recommendations shall be reported to the chairs of the finance, ways and means committees of the senate and the house of representatives no later than December 1, 2012.

Item 2. Each state agency shall report to the chairs of the finance, ways and means committees of the senate and the house of representatives and to the office of legislative budget analysis when the agency applies for a federal grant of more than \$100,000.

Item 3. From the appropriations made in this act, the Department of Finance and Administration, Bureau of TennCare, is requested to examine the impact to the budget of moving the CoverKids program, Tennessee's Children's Health Insurance Program (CHIP), into the TennCare program. The Bureau of TennCare shall report no later than January 1, 2013 to the chairs of the finance, ways and means committees of the senate and the house of representatives on the budget impact.

Item 4. It is the legislative intent that in the fiscal year ending June 30, 2013 and in subsequent fiscal years, any required reversion to the general fund balance from any unexpended funds available to the Secretary of State, Division of Public Documents, be reduced by a sum sufficient and transferred to the division for the sole purpose of funding any joint resolution, that becomes law, calling for an amendment to the Tennessee constitution. It is the legislative intent that such funding be used to provide notice of any constitutional amendments proposed by the General Assembly.

Item 5. From the appropriations made in this act, the Administrative Office of the Courts is requested to conduct a statewide study of the assessment of all unpaid court fees, fines and costs compared to the actual collection of such fees, fines and costs. The study shall be limited to those assessments and collections made in the 2011-2012 fiscal year. The results of the study, including any recommended legislation, shall be reported to the chairs of the finance, ways and means committees, the judiciary committees of the senate and house of representatives, and the executive director of the fiscal review committee no later than January 1, 2013.

SECTION 76. The provisions of this section take effect upon becoming law, the public welfare requiring it. From the appropriations made in this act, there is hereby appropriated a sum sufficient for implementation of any legislation cited, or otherwise described by category, in this act that has an effective date prior to July 1, 2012.

**HIGHER EDUCATION LOTTERY SCHOLARSHIPS**

AND FURTHER AMEND by adding the following language as new items to Section 52:

Item 6. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 2687 / House Bill 3332, relative to a short form lottery scholarship application, if such bill becomes a law.

Item 7. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3599 / House Bill 3816, relative to lottery scholarships for home school students, if such bill becomes a law.

Item 8. From the Lottery for Education Account, there is appropriated a sum sufficient for the sole purpose of implementing Senate Bill 3170 / House Bill 3622, relative to the eligibility status of the Art Institute of Nashville, if such bill becomes a law.

**MISCELLANEOUS**

AND FURTHER AMEND by adding the following paragraph to the end of Section 23, Item 3:

The Commissioner of Finance and Administration shall provide a written quarterly report to the director of the Office of Legislative Budget Analysis and to the executive director of the Fiscal Review Committee identifying additions, deletions or other modifications of capital improvement and capital maintenance projects occurring subsequent to enactment of the annual budget through the appropriations and bond authorization acts.

AND FURTHER AMEND by adding the following sentence to the end of Section 63, Item 2:

It is the intent of the general assembly that such funds shall not be distributed by means of the higher education formula.

AND FURTHER AMEND by deleting the item within Section 29 which reads as follows:

From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system.

and by substituting instead the following language:



From non-recurring funds appropriated in this act to the Community College System of the Tennessee Board of Regents for purposes of implementing the phase in of the outcome-based formula, the board is authorized to reserve a portion of such funds to: (a) supplement future funding of such formula phase in for the community college system; or (b) fulfill the requirements of Tennessee Code Annotated, Section 49-8-101(c) regarding the operation of the Tennessee community college system as a unified system. The Tennessee Board of Regents shall file a written report with the chairs of the Education Committees of the Senate and House of Representatives concerning the provisions of this item.

AND FURTHER AMEND by adding the following sentence to the end of the item within Section 41 which begins "Settlement and Judgment Awards and Similar Awards":

The Attorney General and Reporter shall file a written report with the Speaker of the Senate, the Speaker of the House of Representatives and the Office of Legislative Budget Analysis upon receipt of any settlement or judgment in excess of \$1,000,000; such report shall specify the nature of the settlement or judgment, the amount of the settlement or judgment and the purposes for which any such settlement or judgment funds are received.

AND FURTHER AMEND by deleting the item within Section 41 which reads as follows:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for the following purposes:

(a) Making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur;

(b) increasing support for national conventions to be held in Nashville, if the Commissioner of Tourist Development determines that the purpose set forth in paragraph (a) is not possible or advisable; and under this circumstance, the sum of \$50,000 hereby is appropriated for the purpose of increasing sponsorships in cooperation with the Nashville Convention and Visitors Bureau to support national conventions of the Student Youth Travel Association and American Bus Association.

and by substituting instead the following:

Tourist Development Department Support of National Festivals and Conventions. From the appropriation to the Department of Tourist Development, Administration and Marketing, in Section 1, Title III-4, Item 1, of this act, the sum of \$50,000 (non-recurring), identified in the 2012-2013 Budget Document on page B-330, is authorized to be expended for making a grant to the National Council for the Traditional Arts to support the 2012 National Folk Festival in Nashville, if such festival will occur.

AND FURTHER AMEND by deleting the item within Section 48 which reads as follows:

There is hereby appropriated a sum sufficient from federal grant revenues to the Department of Finance and Administration, Health-Care Planning and Innovation, related to contingency activities. The Commissioner of Finance and Administration is authorized to adjust federal revenue allotments required to fund the Strategic Health-Care Programs accordingly.

AND FURTHER AMEND by requesting the Engrossing Clerk to:

(1) Insert between Sections 64 and 65 of the printed bill any new sections added to the bill so that Sections 65 through 69 of the printed bill will be the renumbered final sections of the engrossed bill;

(2) Delete the bold underlined explanatory headings in this amendment;  
and

(3) Exclude this paragraph from the engrossed bill.

**Senate Amendment No. 6**

AMEND House Bill No. 3835 By adding the following new item at the end of Section 10:

Item \_\_\_\_\_. It is the legislative intent that the appropriations to the Department of Economic and Community Development for the Film and Television Incentive Fund in Section 4, Title III-8, Item 10, and in Section 36, Item 31, of this act, are authorized to be used for projects that have been approved under Tennessee Code Annotated, Section 67-4-2109(j), but have not yet received funding from the state, as a result of the implementation of Senate Bill 3771, House Bill 3839, if such bill becomes law.

**Senate Amendment No. 7**

AMEND Senate Bill No. 3768 by inserting the following after other amendments between Sections 64 and 65 of the printed bill.

SECTION \_\_\_\_\_. Public Defender Offices in Davidson and Shelby Counties.

Item 1. From the appropriation for state employees 2.5 percent salary increase in Section 1, Title III-22, Item 13, the sum of \$92,300 is earmarked for the public defenders offices in Davidson County and Shelby County, to be allocated as follows:

(a) Davidson County, \$31,300; and

(b) Shelby County, \$61,000.

The amounts earmarked above are determined on the following basis:

The 2.5 percent salary policy adjustment for the district public defenders, which excludes employees on a statutory pay plan, is an amount equal to 1.95 percent of the base recommended state appropriation for district public defenders; and the amounts earmarked above for Davidson and Shelby counties are equal to 1.95 percent of the base recommended state appropriations for the public defenders offices in Davidson County and Shelby County.

Item 2. The commissioner of finance and administration is directed to study issues pertaining to implementation of the provisions of Tennessee Code Annotated, Section 8-14-210, relative to budget increases for the public defender offices in Davidson and Shelby counties. No later than the day after transmittal of the next budget document to the general assembly, a report of findings and recommendations shall be transmitted by the commissioner to the speakers of the senate and house of representatives; the chairs of the finance, ways and means committees; the majority and minority leaders of both houses; and the director of the office of legislative budget analysis.

The commissioner shall examine the meaning of the language "the state shall pay to the county or metropolitan government an amount equal to the percentage of any general increases in appropriations for district public defenders;" the manner in which such increase has been calculated; whether a base budget adjustment is recommended in consideration of the meaning of § 8-14-210 or for other reasons; other associated matters that the commissioner deems appropriate; and recommendations for clarifying the language of § 8-14-210. Clarification of §8-14-210 may include alternative means of providing for budget adjustments.

If the commissioner finds in the study that a base budget adjustment should be made or that §8-14-210 should be clarified or changed for future budget adjustments, it is the legislative intent that the 2013-2014 budget document transmitted by the governor to the general assembly include the recommended appropriation increase and that the governor's budget legislation include any recommended change in law.

Rep. Harrison moved that the House nonconcur in Senate Amendment(s) No(s). 18, 4, 5, 6 and 7 to **House Bill No. 3835**, which motion prevailed.

## HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 3839** -- Public Funds and Financing - As introduced, specifies that provision whereby a supplement must be provided by the state each year to counties for the improvement of juvenile court services is contingent upon funding; removes Taft Youth Center in provision regarding appointment of dentist to provide service at certain institutions. - Amends TCA Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 7. by \*Sargent, \*McCormick. (SB3771 by \*Norris)

### Senate Amendment No. 2

AMEND Senate Bill No. 3771 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 4-3-4903(c), is further amended by designating the existing language as subdivision (1), and by adding the following, to be designated as subdivision (2):

(2) The amount of each grant awarded pursuant to this section shall not exceed twenty-five percent (25%) of the total expenses incurred by a production company for a project; except, however, the department may award grants in excess of this amount if deemed appropriate by the department. It is the legislative intent that funding be appropriated each year in the general appropriations act for awarding grants. It is further the legislative intent that the department strive to award the maximum amount of incentive grants authorized by this section due to the amendments to § 67-4-2109(j) provided in this act.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 4-3-4903(f), is amended by deleting the language " is authorized to" and by substituting instead the language "shall".

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-4-2109(j), is amended by adding the following language as new subdivision (6):

(6) The credit provided for in this subsection (j) shall not apply to tax years beginning on or after July 1, 2012; provided that this subdivision (j)(6) shall have no effect on the right of any taxpayer to realize the benefits of any credit provided under subsection (j) in the event that the commissioner of revenue and the commissioner of economic and community development determine that the taxpayer's production is in the

"best interest of this state" pursuant to § 67-4-2109(j)(1)(A) and the taxpayer incurs expenses related to such production prior to July 1, 2012.

**Senate Amendment No. 3**

AMEND Senate Bill No. 3771 By deleting the language "4-3-4903(f)" and by substituting instead the language "4-3-4903(i)".

Rep. Harrison moved that the House nonconcur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 3839**, which motion prevailed.

**SPECIAL ORDER**

Without objection, Rep. McCormick moved the House take up the Regular Calendar out of order at this time.

**REGULAR CALENDAR**

**\*House Bill No. 3111** -- Conservation - As introduced, decreases time county conservation board must organize from 30 days after appointment to 20 days after appointment; allows board to send report of transactions and operations to commissioner electronically. - Amends TCA Title 11 and Title 67. by \*Campbell. (SB3647 by \*Southerland, \*Ramsey, \*Ketron, \*Marrero)

Further consideration of House Bill No. 3111 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 3111 was made to conform with **Senate Bill No. 3647**; the Senate Bill was substituted for the House Bill.

Rep. Campbell moved that Senate Bill No. 3647 be passed on third and final consideration.

Rep. McCormick moved that Senate Bill No. 3647 be reset for the Regular Calendar on April 30, 2012, which motion prevailed.

**\*House Bill No. 2402** -- Beer - As introduced, requires persons applying for permit to sell beer for off-premise consumption to become certified under "Tennessee Responsible Vendor Act of 2006." - Amends TCA Title 57, Chapter 5. by \*Ragan. (SB2420 by \*McNally, \*Faulk)

Further consideration of House Bill No. 2402 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 2402 was made to conform with **Senate Bill No. 2420**; the Senate Bill was substituted for the House Bill.

Rep. Ragan moved that Senate Bill No. 2420 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ragan moved that **Senate Bill No. 2420** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 86

Representatives present and not voting were: Butt, Powers -- 2

A motion to reconsider was tabled.

**\*House Bill No. 2221** -- Criminal Offenses - As introduced, prohibits business owners from knowingly permitting minors to engage in sexual activity on the premises of the business. - Amends TCA Title 39; Title 40; Title 67; Title 68 and Title 71. by \*Parkinson. (SB3092 by \*Herron)

Further consideration of House Bill No. 2221 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 2221 was made to conform with **Senate Bill No. 3092**; the Senate Bill was substituted for the House Bill.

Rep. Parkinson moved that Senate Bill No. 3092 be passed on third and final consideration.

Rep. Coley moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Harrison moved that Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, be withdrawn, which motion prevailed.

Rep. Parkinson requested that Senate Bill No. 3092 be moved to the heel of the Calendar.

**\*House Bill No. 3102** -- Taxes, Hotel Motel - As introduced, authorizes the city of Newport to impose a tax on the privilege of occupancy. - Amends TCA Title 7, Chapter 4 and Title 67, Chapter 4, Part 14. by \*Odom, \*McDaniel. (SB3458 by \*Southerland)

Further consideration of House Bill No. 3102 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 3102 was made to conform with **Senate Bill No. 3458**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 3458 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McDaniel moved that **Senate Bill No. 3458** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	70
Noes.....	13
Present and not voting.....	4

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Brown, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Eldridge, Favors, Floyd, Forgety, Gilmore, Halford, Hardaway, Harrison, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller L, Montgomery, Naifeh, Niceley, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams R, Womick, Madam Speaker Harwell -- 70

Representatives voting no were: Armstrong, Campbell, Elam, Evans, Faison, Gotto, Hall, Haynes, Hensley, Holt, Lollar, Williams K, Windle -- 13

Representatives present and not voting were: Hill, Miller D, Powers, Wirgau -- 4

A motion to reconsider was tabled.

**House Bill No. 3826** -- Clerks, Court - As introduced, authorizes certain counties to levy a \$1.00 litigation tax on each petition, warrant and citation to fund victim-offender mediation centers and initiatives. - Amends TCA Title 16, Chapter 20, Part 1. by \*Stewart. (\*SB3743 by \*McNally, \*Henry)

## FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION

Further consideration of House Bill No. 3826 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 3826 was made to conform with **Senate Bill No. 3743**; the Senate Bill was substituted for the House Bill.

Rep. Stewart moved that Senate Bill No. 3743 be passed on third and final consideration.

Rep. Coley moved that Judiciary Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Coley moved that Judiciary Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Stewart moved that **Senate Bill No. 3743** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	73
Noes.....	9
Present and not voting.....	2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Camper, Carr, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Eldridge, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Halford, Hall, Hardaway, Harrison, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Pruitt, Ragan, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 73

Representatives voting no were: Elam, Gotto, Haynes, Hensley, Hill, Holt, Lollar, Miller D, Windle -- 9

Representatives present and not voting were: Evans, Powers -- 2

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "aye" to "no" on **Senate Bill No. 3743** and have this statement entered in the Journal: Rep(s). Carr.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "not voting" to "aye" on **Senate Bill No. 3743** and have this statement entered in the Journal: Rep(s). Faison.



**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1384** -- Administrative Procedure (UAPA) - As introduced, requires new fees or fee increases created by state agencies through the promulgation of a rule to take effect on July 1 following the date of filing of the rule with the secretary of state. - Amends TCA Title 4, Chapter 5, Part 2. by \*Fitzhugh. (SB1878 by \*Kyle, \*Watson, \*Bell)

Further consideration of House Bill No. 1384 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 1384 was made to conform with **Senate Bill No. 1878**; the Senate Bill was substituted for the House Bill.

Rep. Fitzhugh moved that Senate Bill No. 1878 be passed on third and final consideration.

Rep. Ramsey moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1878 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following as a new, appropriately designated section:

4-5-2\_\_.

(a) Except as provided in subsections (b) and (c), any new fee or fee increase promulgated by state agency rule, in accordance with title 4, chapter 5, shall take effect on the July 1<sup>st</sup> following expiration of the ninety (90) days as provided in § 4-5-207.

(b) This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent the provisions of such emergency rules, as amended during the rulemaking process.

(c) This section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it, and shall apply to new fees and fee increases created by rules filed with the secretary of state after such date.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Fitzhugh moved that **Senate Bill No. 1878**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	89
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

Representatives present and not voting were: Powers, Sparks -- 2

A motion to reconsider was tabled.

**House Bill No. 3246** -- Professions and Occupations - As introduced, increases from three years to four years the amount of time a scrap metal dealer must maintain records of scrap metal transactions on site and available for inspection. - Amends TCA Title 62. by \*Matheny, \*Dean. (\*SB2895 by \*Tracy, \*Burks)

Further consideration of House Bill No. 3246 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 3246 was made to conform with **Senate Bill No. 2895**; the Senate Bill was substituted for the House Bill.

Rep. Matheny moved that Senate Bill No. 2895 be passed on third and final consideration.

Rep. McManus moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Matheny moved that **Senate Bill No. 2895** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
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Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

**House Bill No. 3673** -- Victims' Rights - As introduced, increases from \$1.00 to \$4.00, effective July 1, 2012, the litigation tax collected for deposit in the statewide automated victim information and notification system fund. - Amends TCA Title 40, Chapter 38 and Title 67, Chapter 4, Part 6. by \*Matheny, \*Dean. (\*SB2711 by \*Ketron, \*McNally)

Further consideration of House Bill No. 3673 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

Rep. Matheny moved that **House Bill No. 3673** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 75  
Noes..... 11  
Present and not voting..... 2

Representatives voting aye were: Armstrong, Bass, Brooks K, Brown, Campbell, Camper, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Eldridge, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Halford, Hall, Harrison, Haynes, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Pitts, Pody, Pruitt, Ragan, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Wirgau, Madam Speaker Harwell -- 75

Representatives voting no were: Alexander, Butt, Carr, Elam, Gotto, Hardaway, Hensley, Keisling, Miller D, Windle, Womick -- 11

Representatives present and not voting were: Evans, Powers -- 2

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “aye” to “no” on **House Bill No. 3673** and have this statement entered in the Journal: Rep(s). Holt.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “aye” on **House Bill No. 3673** and have this statement entered in the Journal: Rep(s). Hardaway.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2391** -- Drugs, Prescription - As introduced, enacts the "Tennessee Prescription Safety Act of 2012." - Amends TCA Title 53, Chapter 10, Part 3; Title 53, Chapter 11, Part 3; Title 53, Chapter 11, Part 4 and Title 63, Chapter 1, Part 3. by \*McCormick, \*Matheny. (SB2253 by \*Norris, \*Yager, \*Crowe, \*Burks, \*Herron, \*Massey, \*Overbey)

Further consideration of House Bill No. 2391 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 2391 was made to conform with **Senate Bill No. 2253**; the Senate Bill was substituted for the House Bill.

Rep. Matheny moved that Senate Bill No. 2253 be passed on third and final consideration.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Matheny moved that **Senate Bill No. 2253** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 87  
Noes ..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Halford, Hall, Hardaway, Harrison, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams R, Windle, Wirgau, Womick -- 87

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 2253** and have this statement entered in the Journal: Rep(s). Gotto and Shaw.

### REGULAR CALENDAR, CONTINUED

**House Bill No. 3604** -- Taxes, Litigation - As introduced, imposes additional \$2.00 litigation tax on criminal charges instituted in general sessions court; creates judicial commissioner continuing education account; subject to appropriation, authorizes moneys in fund to be utilized for development and presentation of continuing education programs. - Amends TCA Section 40-1-111 and Title 67, Chapter 4, Part 6. by \*Sargent. (\*SB3314 by \*Johnson)

Further consideration of House Bill No. 3604 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

Rep. Sargent moved that House Bill No. 3604 be passed on third and final consideration.

Rep. Evans moved adoption of Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 3604 By adding the following new subdivision to subsection (k) of the amendatory language of SECTION 2:

( ) The additional two dollar (\$2.00) privilege tax on litigation imposed by this subsection shall not apply to any county in which the judicial commissioners are authorized by this section to receive appropriate continuing education under the supervision of the general sessions judges rather than the Judicial Commissioners Association of Tennessee or the Tennessee Court Clerks Association.

On motion, Amendment No. 1 was adopted.

Rep. Sargent moved that **House Bill No. 3604**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes.....	15
Present and not voting.....	2

Representatives voting aye were: Armstrong, Bass, Brooks H, Brooks K, Brown, Campbell, Camper, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Halford, Hardaway, Harrison, Haynes, Hill, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus,

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**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Stewart, Swann, Todd, Turner M, Weaver, White, Williams R, Madam Speaker Harwell -- 72

Representatives voting no were: Alexander, Butt, Carr, Elam, Gotto, Hall, Hensley, Holt, Miller D, Pody, Towns, Turner J, Williams K, Windle, Womick -- 15

Representatives present and not voting were: Powers, Sparks -- 2

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Representative(s) Hawk was/were recorded as being present in the Chamber.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 3326** -- Fees - As introduced, creates the local correctional officer training fund through the collection of a 10-cent fee for each completed telephone call or other electronic communication made by inmates housed in local jails or workhouses. - Amends TCA Section 41-7-104. by \*Ramsey. (SB3207 by \*Yager, \*Burks)

Further consideration of House Bill No. 3326 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 3326 was made to conform with **Senate Bill No. 3207**; the Senate Bill was substituted for the House Bill.

Rep. Ramsey moved that Senate Bill No. 3207 be passed on third and final consideration.

Rep. Haynes moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Ramsey moved that **Senate Bill No. 3207** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	83
Noes.....	7
Present and not voting.....	2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Halford, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard,

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**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner M, Weaver, White, Williams K, Williams R, Wirgau, Womick -- 83

Representatives voting no were: Carr, Gotto, Hall, Hardaway, Miller D, Turner J, Windle -- 7

Representatives present and not voting were: Kernell, Powers -- 2

A motion to reconsider was tabled.

**\*Senate Joint Resolution No. 526** -- Naming and Designating - "Sons of Confederate Veterans Week," July 8-14, 2012. by \*Ketron, \*Henry.

Further consideration of Senate Joint Resolution No. 526 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

Rep. Carr moved that the House concur in **Senate Joint Resolution No. 526**, which motion prevailed by the following vote:

Ayes ..... 88  
Noes..... 0

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 88

A motion to reconsider was tabled.

**House Bill No. 3689** -- Environment and Conservation, Department of - As introduced, requires commissioner to establish management systems to achieve goal of issuing permits within 90 days of submission; requires commissioner to prepare efficiency reports; requires notification to applicant within 30 business days if application is incomplete. - Amends TCA Title 4, Chapter 3, Part 5 and Title 68. by \*Hawk. (\*SB3653 by \*Southerland, \*Ramsey, \*Ketron, \*Overbey)

Further consideration of House Bill No. 3689 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 3689 was made to conform with **Senate Bill No. 3653**; the Senate Bill was substituted for the House Bill.

## FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION

Rep. Hawk moved that Senate Bill No. 3653 be passed on third and final consideration.

Rep. Lollar moved that Conservation and Environment Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Hawk moved that **Senate Bill No. 3653** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

**Senate Bill No. 3092** -- Criminal Offenses - As introduced, prohibits business owners from knowingly permitting minors to engage in sexual activity on the premises of the business. - Amends TCA Title 39; Title 40; Title 67; Title 68 and Title 71. by \*Herron. (\*HB3092 by \*Parkinson)

Further consideration of Senate Bill No. 3092 previously considered on today's Calendar, at which time the House substituted the Senate Bill for the House Bill and withdrew Amendment(s) No(s). 1 and 2.

Rep. Parkinson moved that Senate Bill No. 3092 be reset for the Regular Calendar on April 30, 2012, which motion prevailed.

### REGULAR CALENDAR ADDENDUM

**Senate Bill No. 1688** -- Schools, Charter - As introduced, requires public charter school's annual renewal application to include the number of students who attended the school in the most recently completed academic year and the schools that those students attended prior to enrolling at the charter school. - Amends TCA Title 49. by \*Faulk, \*McNally, \*Overbey. (\*HB1970 by \*Swann, \*Hardaway, \*Towns, \*Fitzhugh, \*Montgomery, \*Richardson, \*Cooper B, \*White)

Further consideration of Senate Bill No. 1688 previously considered on today's Calendar.



**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Rep. Swann moved that Senate Bill No. 1688 be reset for the Regular Calendar on April 30, 2012 which motion prevailed.

**\*House Bill No. 3584** -- Education, Higher - As introduced, removes public institutions of higher education from requirements of blind vending facilities. - Amends TCA Section 49-8-118 and Section 71-4-502. by \*Carr. (SB3503 by \*Tate, \*Ketron)

Further consideration of House Bill No. 3584 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

Rep. Womick requested that House bill No. 3584 be moved to the heel of the Calendar, which motion was immediately withdrawn.

On motion, House Bill No. 3584 was made to conform with **Senate Bill No. 3503**; the Senate Bill was substituted for the House Bill.

Rep. Carr moved that Senate Bill No. 3503 be passed on third and final consideration.

Rep. Montgomery moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Carr moved that **Senate Bill No. 3503** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 91

Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

Representatives voting no were: Moore -- 1

A motion to reconsider was tabled.

**House Bill No. 3157** -- Insurance, Health, Accident - As introduced, states that coverage made available in plans under the Memphis Plan Act of 1991 shall constitute minimum

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essential health coverage for purposes of compliance with certain federal minimum coverage requirements. - Amends TCA Title 56, Chapter 7. by \*DeBerry J, \*Hardaway. (\*SB2943 by \*Norris)

Further consideration of House Bill No. 3157 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

Rep. J. DeBerry moved that House Bill No. 3157 be reset for the Regular Calendar on April 30, 2012, which motion prevailed.

**Senate Bill No. 3647** -- Conservation - As introduced, decreases time county conservation board must organize from 30 days after appointment to 20 days after appointment; allows board to send report of transactions and operations to commissioner electronically. - Amends TCA Title 11 and Title 67. by \*Southerland, \*Ramsey, \*Ketron, \*Marrero. (\*HB3111 by \*Campbell)

Further consideration of House Bill No. 3111 previously considered on today's Calendar at which time the House substituted the Senate Bill for the House Bill.

Rep. Campbell moved that Senate Bill No. 3647 be passed on third and final consideration.

Rep. Lollar moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 3647 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 11, is amended by adding the following language as a new, appropriately designated chapter:

**11-27-101.**

This chapter shall be known and may be cited as the "Doe Mountain Recreation Authority Act of 2012".

**11-27-102.**

(a) It is hereby found and determined that:

(1) There is an immediate need to conserve Doe Mountain, an iconic 8,600-acre forested mountain presently under threat from economic distress;

(2) It is through conservation of these same Appalachian Mountains, in particular, Doe Mountain, that will give rise to an unparalleled location for family-oriented, multi-use outdoor recreation, job creation, and economic growth;

(3) The conservation of Doe Mountain and the proper development of multi-use recreational opportunities on the mountain requires partnerships between state and local government, the private sector, conservationists, and an engaged local community to preserve the mountain's unique nature and realize its economic potential;

(4) In many instances, effective cooperation between these parties has been hampered by inadequate statutory authority and management expertise. An authority vested with the full range of necessary statutory powers is, therefore, needed to ensure the success of Doe Mountain's conservation and to realize its full economic potential for the citizens of this state; and

(5) Realizing that the economic development potential of newly acquired conservation lands calls for a new mechanism to manage these lands for multi-use outdoor recreation opportunities and to make the public aware of these opportunities, the general assembly, therefore, intends to vest an authority with the powers set forth herein to prepare comprehensive, long-range, site-specific master plans and to ensure compliance with such plans; to conserve the land, waters, and wildlife of Doe Mountain in a manner protective of the resource, including, where applicable, transfer of lands management for natural areas and/or wildlife management areas; and to foster economic development for the people by the development and operation of multi-use, family-oriented outdoor recreation opportunities.

(b) It is the purpose of this chapter to address these findings by providing for the establishment of the Doe Mountain Recreation Authority to protect and conserve the natural resources of Doe Mountain through planning, promoting, financing, constructing, managing, and developing multi-use recreational opportunities for public participation and enjoyment that will create jobs and facilitate economic development.

(c) This chapter shall be liberally construed in conformity with its purpose.

**11-27-103.**

There is hereby created and established the "Doe Mountain Recreation Authority", being a public body corporate and politic.

**11-27-104.**

As used in this chapter, unless the context otherwise requires:

(1) "Adventure tourism activities" means outdoor recreational opportunities such as equine and motorized trail riding, rappelling, road biking, rock climbing, hang-gliding, spelunking, shooting sports, mountain biking, canoeing, paragliding, zip lining and other such activities;

(2) "Authority" means the Doe Mountain Recreation Authority;

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(3) "Board" means the board of directors of the authority;

(4) "Bonds" or "revenue bonds" means bonds, notes, interim certificates or other obligations of an authority issued pursuant to this chapter, or pursuant to any other law, as supplemented by, or in conjunction with, this chapter;

(5) "County" means the county in this state in which Doe Mountain is located;

(6) "Governing body" means the legislative body of a county as defined in this act;

(7) "Municipality" means any county, or any incorporated city or town in this state with respect to which the authority may be organized;

(8) "Person" means any individual, partnership, firm, association, corporation, or combination of individuals of whatever form or character;

(9) "Project" means any outdoor recreational facility, or any other structure, improvement, or facility constructed, leased, equipped, renovated or acquired for any of the purposes set forth in this chapter, and also includes, but is not limited to, trails, roads, streets, bridges, towers, erosion control facilities, paths, signs, shelters, cabins, and utility services, such as water, sanitary sewer, electricity, gas and natural gas, and telecommunications that are constructed, leased, equipped, renovated or acquired as a supporting system or facility for any of the purposes set forth in this chapter; provided, that such supporting system or facility is dedicated for public use;

(10) "Revenues" means all revenues derived from and on account of a project, directly or indirectly, including license or admission fees, payments under a lease or sale contract and repayments under any loan agreement, or under notes, debentures, bonds and other secured or unsecured debt obligations of a lessee or contracting party delivered as provided in this chapter, and any revenues pledged by a municipality;

(11) "Outdoor recreational facilities" means and includes projects, facilities, improvements, and structures erected for any and all types of recreational pursuits, including, but not limited to adventure tourism activities, camping, hiking, hunting, fishing, wildlife viewing, or any other outdoor recreational activity that adds to the recreational enrichment and economic development of the community; and

(12) "State" means the state of Tennessee and, unless otherwise indicated by the context, any agency, authority, branch, bureau, commission, corporation, department or instrumentality of the state, now or hereafter existing.

**11-27-105.**

The authority shall file its charter with the secretary of state pursuant to Tennessee Code Annotated Title 48, Chapter 51. The charter shall be placed on record in the office of the register of deeds of Johnson County. Upon such recordation of its charter, the authority shall be authorized to function in accordance with the provisions of its charter and the provisions of this chapter.

**11-27-106.**

(a) The authority shall be governed by a board of directors consisting of fifteen (15) members:

- (1) The mayor of the county, or the mayor's designee;
- (2) The mayor of the largest municipality within the county, or the mayor's designee;
- (3) The director of the wildlife resources agency, or the director's designee;
- (4) The commissioner of the department of economic and community development, or the commissioner's designee;
- (5) The commissioner of the department of environment and conservation, or the commissioner's designee;
- (6) The commissioner of the department of tourism development, or the commissioner's designee;
- (7) One (1) member, appointed by the county mayor from a list of three (3) submitted by the board of directors of the county's chamber of commerce, who shall serve for a term of two (2) years;
- (8) One (1) member, appointed by the county mayor, who shall be a resident of the county, and active in a locally organized conservation or outdoor recreation organization, who shall serve for a term of two (2) years;
- (9) One (1) member, appointed by the governor, who shall have a background in conservation, who shall serve for a term of three (3) years;
- (10) One (1) member, appointed by the governor, who shall have experience in outdoor recreation planning, marketing, or operations, who shall serve for a term of three (3) years;
- (11) One (1) member, elected by majority vote of the governing body of the county, who shall serve for a term of two (2) years;
- (12) One (1) member, appointed by the speaker of the senate in consultation with the member of the senate representing the majority of the county's population, who shall serve for a term of two (2) years;

(13) One (1) member, appointed by the speaker of the house of representatives in consultation with the member of the house of representatives representing the majority of the county's population, who shall serve for a term of two (2) years;

(14) One (1) member, appointed by the governor from a list of three (3) names submitted by The Nature Conservancy, who shall serve for a term of (3) years; and

(15) One (1) member of the public at large, appointed by the governor, who shall be a resident of the county or an adjoining county and not otherwise affiliated with any of the groups identified above, who shall serve for a term of three (3) years.

(b) Any board designee or nominee shall be appointed or designated by the filing of a writing, executed by or on behalf of the designator identified in subsection (a), with the secretary-treasurer of the authority and with the secretary of state.

(c) Upon completion of its membership, the appointees shall meet and organize, elect a chair, vice chair, and secretary-treasurer, who shall each serve for a term of two (2) years, and set a regular time and place for meetings of the board. The board shall meet no less often than monthly during its first twelve (12) months of operation, and no less often than once every three (3) months thereafter. In the event of a vacancy in the chair, vice-chair or secretary-treasurer position, the board shall fill the vacancy by a vote of the majority of the members appointed at the next regularly called meeting of the board.

(d) Members of the board shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the authority. All reimbursement for travel expenses shall be in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(e) Each of such officers may be removed at any time by the affirmative vote of a majority of the board of the authority for any of the following reasons:

(1) Three (3) consecutive unexcused absences from meetings of the board;

(2) Refusal to carry out any obligation imposed upon the board member by this chapter, by any other law, or at the direction of the board;

(3) Knowing or willful neglect of the board member's duties; or

(4) Conviction of any felony, or any offense related to a breach of public trust.

(f) In the event of a vacancy on the board created by the death, resignation, or removal of a member, the appointing authority that selected the previous member pursuant to this section, shall fill the vacancy by appointment of an interim board member within thirty (30) days of the creation of the vacancy. If the appointing authority does not fill the vacancy within thirty (30) days, the county governing body, upon petition of the board, may by majority vote elect a person to fill the unexpired term until such time as the appointing authority has acted. The election of any such interim board member by the governing body shall not deprive the appointing authority of its powers to make an appointment of a board member upon the completion of the interim board member's term.

**11-27-107.**

(a) The authority has the following powers necessary for carrying out the purposes set forth in this chapter to:

(1) Adopt a seal;

(2) Sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(3) Purchase, hold, sell and convey land and personal property, and execute such contracts as may be deemed necessary or convenient by the board to enable it to properly carry out the purposes for which it is organized;

(4) Conserve the natural resources of real property owned and managed by the authority, including the land, timber, and waters, and the department of conservation and environment for transfers of lands for wildlife management areas and/or natural areas;

(5) Contract for the construction of projects, and other proposed works and improvements;

(6) Contract for professional services and other assistance, including, but not limited to, legal, architectural, engineering, financial, accounting, and human resources professionals, as its board in its sole discretion deems necessary, the cost of such services comprising an obligation of the authority and paid in the same manner as any other expenses of the authority;

(7) Construct any drainage works or improvements; to construct any works or improvements for the control, retention, diversion, or utilization of water; retard runoff of water and soil erosion; construct facilities, projects, park areas, and other recreational facilities, and repair, improve and maintain any of such improvements or structures;

(8) Acquire personal property by gift or purchase;

(9) Acquire or sell authority-owned land, or any interest in land, including leasehold interests, by gift, bequest, sale, or purchase. Any

sale or disposal of land must have the approval of the state building commission;

(10) Borrow money from time to time and, in evidence of any obligation incurred, issue and, pursuant to § 11-27-115, sell its revenue bonds in accordance with this chapter and the applicable provisions of title 9, chapter 21, in such form and upon such terms as its board of directors may determine, payable out of any revenues of the authority, including grants or contributions or other revenues specifically provided to the authority, for the purpose of financing the cost of any project and refund and refinance, from time to time, bonds so issued and sold, as often as may be deemed to be advantageous by the board of directors;

(11) Cooperate and contract with persons, firms, associations, partnerships and private corporations, and with watershed districts, drainage districts, counties, conservation districts, levee districts, counties, cities, quasi-municipalities, utility districts, and other similar corporations or agencies of the state of Tennessee, and with any such districts or agencies organized for similar purposes in any adjoining state, and with other local, state and federal agencies, including, but not limited to, the department of agriculture, department of environment and conservation, wildlife resources agency, Tennessee Valley Authority, or any other federal agency, and to enter into cooperative contracts and agreements with any such districts, corporations or agencies;

(12) Select a residence or home office for the authority, which shall be at a place designated by the board;

(13) Receive contributions or grants from counties, cities and towns, any state or federal agency, or from any other source;

(14) Acquire water rights and distribute or sell water for irrigation or for other purposes, either within or without the boundaries of the authority;

(15) Provide recreational facilities;

(16) Lease authority-owned lands for timbering, or other purposes consistent with the purposes set forth in § 11-27-102(b);

(17) Contract for all materials, supplies, equipment, personnel, and services necessary for the proper administration of the authority;

(18) Publish and maintain a website for any purpose set forth in this chapter;

(19) Expend funds for any purpose set forth in this chapter;

(20) Take such steps as deemed necessary by its board of directors for the promotion and protection of the environment within the boundaries of the authority, and enter into agreements with private nonprofit corporations, the department of environment and conservation,



the division of forestry, the wildlife resources agency, or any other federal, state or local agency for that purpose;

(21) Take such steps as deemed necessary for fire prevention, and for this purpose to enter into cooperative agreements with the division of forestry, or any other federal, state or local agency and volunteer fire departments;

(22) Contract for the operation of concessions on or in any of the properties owned, managed, or leased by the authority;

(23) Advertise within and without the state any of the recreational facilities, opportunities, or events, of the authority;

(24) Enter into agreements for payments in lieu of any tax assessment by any city or county;

(25) Make all needful rules, regulations and by laws for the management and conduct of the affairs of the authority and of the board; and

(26) Establish, charge and collect user fees, which will be used solely to support the operation and maintenance of the authority.

(b) None of the powers enumerated in subsection (a) shall be exhausted by use but shall be continuous and perpetual throughout the life of the authority.

(c) No permit for any solid waste management facility shall be issued by the commissioner of environment and conservation for any site located on property owned or managed by the authority.

**11-27-108.**

(a) In addition to other powers and duties specified in this chapter, the authority shall:

(1) Establish bylaws and make all rules and regulations not inconsistent with this chapter, deemed expedient for the management of the affairs of the authority;

(2) Set the amount of all fees required by this chapter;

(3) Receive, administer and account for all moneys derived under this chapter, which shall be used to defray expenses incurred in the administration of this chapter;

(4) Keep a public record of its proceedings;

(5) Seek relief at law or equity to restrain or enjoin any act or practice in violation of this chapter or of any rule promulgated to effectuate the purposes of this chapter, or to obtain compensation for the

breach of any duty owed the authority, provided that jurisdiction and venue are conferred upon the chancery court of the county to hear and determine such a suit, and that no bond shall be required for the prosecution of the suit or for the issuance of an injunction; and

(6) Have other powers and duties that are necessary to effectuate this chapter.

(b) For purposes of § 11-11-205 only, the authority shall be defined as an adventure tourism business.

**11-27-109.**

(a) All meetings of the authority's board, including the organization's meeting provided for in § 11-27-106(c), shall be open to the public, pursuant to § 8-44-102. Notice and an agenda for such meetings shall be mailed to each board member and published on the authority's web site at least five (5) days prior to the date of the meeting. Special meetings may be held at any time upon waiver of notice of a meeting by all board members, or may be called by the chair or any two (2) board members at any time, upon three (3) days notice to all board members and published on the authority's web site.

(b) A majority of the board members constitutes a quorum for the transaction of business. A majority vote of the board members in attendance at any meeting of the board is sufficient to authorize any act taken pursuant to the powers set forth in this chapter.

(c) The board may conduct special or regular meetings by conference call or video conference, provided the electronic nature of the meeting is included in the meeting notice, and opportunity for public participation is provided.

(d) All official records of the authority shall be prima facie evidence of all matters required to be kept in the records.

(e) Except as otherwise provided by this section, business plans, specifically including, but not limited to, financial statements, pricing, and market strategies, submitted by individuals or entities who have contracted with, or seeking to contract with, the authority to provide services pursuant to the powers set forth in this chapter, shall be treated as confidential and may not be disclosed except by order of a court of competent jurisdiction or by permission of the individual or entity.

(f) Members of the authority are officers of the state in carrying out the duties imposed by this chapter, and as such have the full measure of governmental immunity provided by law.

**11-27-110.**

At the initial meeting of the board, the board and The Nature Conservancy shall undertake to develop and publish a written management plan for the authority, which shall be publicly available. The board has the power to

employ engineers, surveyors, conservation experts, outdoor recreation experts, management experts, and other professionals necessary for such study, and to have prepared surveys, maps, profiles, plans and descriptions, and such other data as may be necessary. The plan shall consider whether, and to what extent, lands of the authority should be owned and managed as natural areas and/or wildlife management areas by the department of environment and conservation and the wildlife management authority, respectively. The authority may, in consultation with The Nature Conservancy, thereafter biennially review, revise, and re-publish its management plan. 11-27-111.

(a) The governing body of the county, or the governing body of any city or town, adjacent to or in the proximity of any real property owned by the authority, has the right to contribute, out of the general fund or any special fund of such county or city, such amount as such legislative body sees fit, to be used in the preliminary expenses of the authority, or in the maintenance of the authority, or for capital improvements or projects of the authority.

(b) For the purpose of aiding and cooperating with the authority, the governing body may assign or loan any of its employees, and may provide necessary office space, equipment, and other facilities, for the use of the authority, as the governing body may approve.

(c) In addition to the methods of financing authorized in this chapter, administrative costs of the authority as well as the cost of any general plan, improvement, project, program, or work benefiting the authority or in support of the purposes for which the authority is organized, generally may be financed by any fee, special assessment, or general fund tax revenue appropriated by a public or private act of the general assembly.

**11-27-112.**

The authority shall not have the power of eminent domain.

**11-27-113.**

(a) The board shall cause an annual audit to be made of the books and records of the authority. The comptroller of the treasury, through the department of audit, shall be responsible for determining that such audits are made in accordance with generally accepted governmental auditing standards and that such audits meet the minimum standards prescribed by the comptroller of the treasury.

(b) These audits shall be made by certified public accountants. In the event the board shall fail or refuse to have the audit made, then the comptroller of the treasury may appoint a certified public accountant, or direct the department of audit to make the audit, the cost of such audit to be paid by the authority.

(c) The authority shall prepare an annual report of its business affairs and transactions, a copy of which shall be available for public inspection, and

filed by January 31 of each year with the comptroller of the treasury, the office of governor, and the speakers of the house and senate.

**11-27-114.**

(a) The authority is hereby declared to be performing a public function and to be a public instrumentality. The acquisition, operating and financing of any project by the authority is declared to be for a public and governmental purpose and a matter of public necessity. Accordingly, the authority and all properties at any time owned by it and the income from the properties and all bonds issued by the authority and the income from the bonds shall be exempt from all state, county and municipal taxation. For purposes of the Tennessee Securities Act of 1980, compiled in title 48, chapter 2, part 1, bonds issued by the authority shall be deemed to be securities issued by a public instrumentality or a political subdivision of the state.

(b) The authority shall be a public nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any person.

**11-27-115.**

(a) The authority shall have power and is authorized to issue its bonds in accordance with this chapter and in accordance with the Local Government Public Obligations Law, compiled in title 9, chapter 21, and for such purposes the bonds shall be treated as revenue obligations of the authority under this chapter, in order to finance:

(1) The costs of any project;

(2) The payment of the costs of issuance of such bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses;

(3) Reimbursement of the authority for moneys previously spent by the authority for any of the foregoing purposes; and

(4) The establishment of reasonable reserves for the payment of debt service on such bonds, for repair and replacement of any project, or for such other purposes as the board shall deem necessary and proper in connection with the issuance of any bonds and operation of any project for the benefit of which the financing is being undertaken.

(b) The authority shall have the power and is hereby authorized to issue its bonds to refund and refinance outstanding bonds of the authority heretofore or hereafter issued or lawfully assumed by the authority; provided that in accordance with title 9, chapter 21, the authority shall request a report on any proposed refunding from the office of the comptroller. The proceeds of the sale of the bonds may be applied to:

(1) The payment of the principal amount of the bonds being refunded and refinanced;

(2) The payment of the redemption or tender premium thereon, if any;

(3) The payment of unpaid interest on the bonds being refunded, including interest in arrears, for the payment of which sufficient funds are not available, to the date of delivery or exchange of the refunding bonds;

(4) The payment of fees or other charges incident to the termination of any interest rate hedging agreements, liquidity or credit facilities, or other agreements related to the bonds being refunded and refinanced;

(5) The payment of interest on the bonds being refunded and refinanced from the date of delivery of the refunding bonds to maturity or to, and including, the first or any subsequent available redemption date or dates on which the bonds being refunded may be called for redemption;

(6) The payment of the costs of issuance of the refunding bonds, including underwriter's discount, financial advisory fee, preparation of the definitive bonds, preparation of all public offering and marketing materials, advertising, credit enhancement, and legal, accounting, fiscal and other similar expenses, and the costs of refunding the outstanding bonds, including the costs of establishing an escrow for the retirement of the outstanding bonds, trustee and escrow agent fees in connection with any escrow, and accounting, legal and other professional fees in connection therewith; and

(7) The establishment of reserves for the purposes set forth in subdivision (a)(4) above.

Refunding bonds may be issued to refinance and refund more than one (1) issue of outstanding bonds, notwithstanding that such outstanding bonds may have been issued at different times. The principal proceeds from the sale of refunding bonds may be applied either to the immediate payment and retirement of the bonds being refunded or, to the extent not required for the immediate payment of the bonds being refunded, to the deposit in escrow with a bank or trust company to provide for the payment and retirement at a later date of the bonds being refunded.

(c) No bonds shall be issued hereunder unless authorized to be issued or assumed by resolution of the board of directors of the authority. Bonds authorized to be issued hereunder may be issued in one (1) or more series, may bear such date or dates, mature at such time or times, not exceeding forty (40) years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, with or

without premium, as such resolution or resolutions may provide. Bonds may be issued for money or property at competitive or negotiated sale for such price or prices as the board of directors, or its designee, shall determine. The authority may enter into such agreements in connection with the issuance of any bonds as its board of directors may approve, including without limitation, credit agreements and bond purchase agreements.

(d) Bonds may be repurchased by the authority out of any available funds at such price as the board of directors shall determine, and all bonds so repurchased shall be cancelled or held as an investment of the authority as the board of directors may determine.

(e)

(1) All bonds issued by the authority shall be payable solely out of the revenues of the authority, including tax revenues, as may be designated by the board of directors of the authority.

(2) The principal of and interest on any bonds issued by the authority shall be secured, as may be designated by the board of directors of the authority, by a pledge of the tax revenues allocable to the authority, by a pledge of the authority's rights under agreements, leases and other contracts, or by a mortgage or deed of trust covering all or any part of the projects from which the revenues so pledged may be derived. The proceedings under which the bonds are authorized to be issued and any such pledge agreement or mortgage or deed of trust may contain any agreements and provisions respecting the maintenance of the projects covered by the bonds, the fixing and collection of rents for any portions of projects leased by the authority to others, the creation and maintenance of special funds from such revenues and the rights and remedies available in the event of default, all as the board of directors shall deem advisable and not in conflict with the provisions of this act. Each pledge, agreement, or mortgage or deed of trust made for the benefit or security of any of the bonds of the authority shall continue effective until the principal of and interest on the bonds for the benefit of which the pledge, agreement, or mortgage or deed of trust were made shall have been fully paid. In the event of default in such payment or in any agreement of the authority made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage or deed of trust executed as security for the bonds, such payment or agreement may be enforced by suit, mandamus, the appointment of a receiver in equity or by foreclosure of any such mortgage or deed of trust, or any one (1) or more of such remedies.

(f) Bonds and notes of the authority shall be executed in the name of the authority by such officers of the authority and in such manner as the board of directors may direct. If so provided in the proceedings authorizing the bonds, the facsimile signature of any of the officers executing such bonds may appear on the bonds in lieu of the manual signature of such officer.

(g) Any bonds and notes of the authority may be sold at public or private sale to the extent authorized for local governments, for such price and in such

manner and from time to time as may be determined by the board of directors of the authority to be most advantageous, and the authority may pay all expenses, premiums and commissions that its board of directors may deem necessary or advantageous in connection with the issuance of the bonds.

**11-27-116.**

All leases, contracts, deeds of conveyance, or instruments in writing executed by the authority, shall be executed in the name of the authority by the chairman of the authority, or by such other officer as the board of directors of the authority, by resolution, may direct.

**11-27-117.**

As a public body, no part of the net earnings of the authority remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event the board of directors of the authority shall determine that sufficient provision has been made for the full payment of the expenses, bonds, and other obligations of the authority, then any net earnings of the authority thereafter accruing shall be paid to the municipality or municipalities with respect to which the authority was organized; provided, that nothing contained in this section shall prevent the board of directors from transferring all or any part of its properties in accordance with the terms of any lease entered into by the authority.

**11-27-118.**

Whenever the board of directors of the authority, by resolution, determines that there has been substantial compliance with the purposes for which the authority was formed, and all bonds theretofore issued and all obligations theretofore incurred by the authority have been fully paid, then the members of the board of directors shall thereupon execute and file for record in the office of the secretary of state a certificate of dissolution reciting such facts and declaring the authority to be dissolved. Upon the filing of such certificate of dissolution, the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in the state, in the manner approved by the board and the state, and possession of such funds and properties shall forthwith be delivered to the state. Upon dissolution of the authority, any of its assets shall be distributed as shall be directed by the board and the state, but in no event shall such costs be distributed to any person other than a governmental entity.

**11-27-119.**

This chapter shall not be construed as a restriction or limitation upon any powers that an authority, as a public corporation, might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, notice or approval shall be required for the organization of the authority or the issuance of any bonds or any instrument as security for the bonds, except as provided in this chapter, any other law to the contrary notwithstanding; provided, that nothing in this chapter shall be construed to

deprive the state and its governmental subdivisions of their respective police powers over properties of the authority, or to impair any power over same.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. Campbell moved that Senate Bill No. 3647 be reset for the Regular Calendar on April 30, 2012, which motion prevailed.

## **REGULAR CALENDAR NO. 2**

**\*House Bill No. 1896** -- Physicians and Surgeons - As introduced, establishes requirements for the supervision of nurses and physician assistants by certain physicians when engaged in interventional pain management. - Amends TCA Title 63. by \*Hensley, \*Shaw. (SB1935 by \*McNally)

Further consideration of House Bill No. 1896 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 1896 was made to conform with **Senate Bill No. 1935**; the Senate Bill was substituted for the House Bill.

Rep. Hensley moved that Senate Bill No. 1935 be passed on third and final consideration.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Casada moved that Health and Human Resources Committee Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Armstrong requested that Amendment No. 4 be moved to the heel.

Rep. Camper requested that Amendment No. 5 be moved to the heel.

Rep. Hill requested that Amendment No. 6 be moved to the heel.

Rep. Hill requested that Amendment No. 7 be moved to the heel.

Rep. Dennis requested that Amendment No. 8 be moved to the heel.

Rep. Dennis requested that Amendment No. 9 be moved to the heel.

Rep. Armstrong moved adoption of Amendment No. 4 as follows:



**Amendment No. 4**

AMEND Senate Bill No. 1935 By inserting the following immediately before the last sentence of subsection (f) of the amendatory language of Section 1:

This subsection shall only apply to advanced practice nurses who receive a certificate to practice as an advanced practice nurse under this chapter on or after July 1, 2013.

AND FURTHER AMEND by inserting the following immediately before the last sentence of subdivision (5) of the amendatory language of Section 3:

This subsection shall only apply to a physician assistant who is licensed as a physician assistant under this chapter on or after July 1, 2013.

AND FURTHER AMEND by adding the following as a new subsection at the end of the amendatory language of Section 4:

( ) This section shall only apply to a physician who is licensed as a physician under this chapter on or after July 1, 2013.

AND FURTHER AMEND by adding the following as a new subsection at the end of the amendatory language of Section 5:

( ) This section shall only apply to a physician who is licensed as a physician under this chapter on or after July 1, 2013.

Rep. Hensley moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes .....	57
Noes.....	23
Present and not voting.....	3

Representatives voting aye were: Brooks H, Brooks K, Brown, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry L, Dunn, Elam, Eldridge, Floyd, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Montgomery, Moore, Niceley, Pody, Powers, Ragan, Roach, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Todd, White, Williams K, Williams R, Wirgau, Madam Speaker Harwell -- 57

Representatives voting no were: Alexander, Armstrong, Campbell, Dennis, Evans, Faison, Favors, Fitzhugh, Gilmore, Hardaway, Hill, Holt, McDonald, Miller L, Naifeh, Pitts, Ramsey, Richardson, Swann, Tidwell, Turner J, Weaver, Windle -- 23

Representatives present and not voting were: Bass, Camper, Rich -- 3

**REQUEST TO CHANGE VOTE**

5541

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “no” to “aye” on the tabling motion to Amendment No. 4 to **Senate Bill No. 1935** and have this statement entered in the Journal: Rep(s). Ramsey.

**REGULAR CALENDAR, CONTINUED**

Rep. Richardson requested that Amendment No. 5 be moved to the heel.

Rep. Hill moved adoption of Amendment No. 6 as follows:

**Amendment No. 6**

AMEND Senate Bill No. 1935 by deleting the effective date section and by substituting instead the following:

SECTION \_\_\_\_\_. This act shall take effect July 1, 2014, the public welfare requiring it.

Rep. Hensley moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes .....	62
Noes.....	21
Present and not voting.....	1

Representatives voting aye were: Brooks H, Brooks K, Brown, Butt, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry L, Dunn, Elam, Eldridge, Floyd, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Johnson C, Johnson P, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Moore, Naifeh, Niceley, Powers, Ragan, Ramsey, Richardson, Roach, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Tidwell, Todd, Towns, Turner M, White, Williams K, Williams R, Womick, Madam Speaker Harwell -- 62

Representatives voting no were: Alexander, Armstrong, Bass, Dennis, Evans, Faison, Fitzhugh, Hardaway, Hill, Hurley, Keisling, Kernell, McDonald, Parkinson, Pitts, Pody, Sanderson, Swann, Turner J, Weaver, Windle -- 21

Representatives present and not voting were: Rich -- 1

Rep. Hill moved adoption of Amendment No. 7 as follows:

**Amendment No. 7**

AMEND Senate Bill No. 1935 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Nothing in this act shall apply to the practice of a certified registered nurse anesthetist (CRNA).

**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Rep. Hensley moved that Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes .....	60
Noes.....	26
Present and not voting.....	2

Representatives voting aye were: Brooks H, Brooks K, Brown, Butt, Casada, Cobb, Coley, Curtiss, Dean, DeBerry L, Dunn, Elam, Eldridge, Favors, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Moore, Naifeh, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Roach, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Tidwell, Todd, Towns, Turner M, White, Williams R, Madam Speaker Harwell -- 60

Representatives voting no were: Alexander, Armstrong, Camper, Carr, Dennis, Evans, Faison, Hardaway, Hill, Holt, Hurley, Kernell, McDonald, Miller D, Miller L, Montgomery, Parkinson, Pitts, Richardson, Swann, Turner J, Weaver, Williams K, Windle, Wirgau, Womick -- 26

Representatives present and not voting were: Bass, Campbell -- 2

Rep. Dennis moved adoption of Amendment No. 8 as follows:

**Amendment No. 8**

AMEND Senate Bill No. 1935 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall only apply in counties having a population of not less than three hundred thousand (300,000) according to the 2010 federal census or any subsequent federal census.

Rep. Hensley moved that Amendment No. 8 be tabled, which motion prevailed by the following vote:

Ayes .....	57
Noes.....	27

Representatives voting aye were: Brooks H, Brooks K, Brown, Butt, Carr, Cobb, Coley, Curtiss, Dean, DeBerry L, Dunn, Elam, Eldridge, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Moore, Niceley, Powers, Ragan, Ramsey, Richardson, Roach, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Todd, Turner M, White, Williams R, Madam Speaker Harwell -- 57

Representatives voting no were: Alexander, Armstrong, Bass, Campbell, Camper, Dennis, Evans, Faison, Favors, Hardaway, Hill, Holt, McDonald, Miller L, Montgomery, Parkinson, Pody, Rich, Sanderson, Swann, Towns, Turner J, Weaver, Williams K, Windle, Wirgau, Womick -- 27

Rep. Dennis moved that Amendment No. 9 be withdrawn, which motion prevailed.

Rep. Camper moved adoption of Amendment No. 5 as follows:

**Amendment No. 5**

AMEND House Bill No. 1896 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Nothing in this act shall apply to any of the following who practice in a facility, clinic or other setting maintained or operated to provide healthcare services primarily to veterans:

(1) A physician licensed under Tennessee Code Annotated, Title 63, Chapter 6 or 9;

(2) A physician assistant; or

(3) An advanced practice nurse.

Rep. Hensley moved that Amendment No. 5 be tabled, which motion prevailed by the following vote:

Ayes .....	50
Noes.....	35

Representatives voting aye were: Brooks H, Brooks K, Butt, Carr, Casada, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Moore, Niceley, Pody, Powers, Ramsey, Rich, Roach, Sanderson, Sexton, Shepard, Shipley, Sparks, Todd, White, Williams R, Madam Speaker Harwell -- 50

Representatives voting no were: Alexander, Armstrong, Bass, Brown, Campbell, Camper, Cobb, DeBerry J, DeBerry L, Evans, Faison, Favors, Fitzhugh, Gilmore, Hardaway, Hill, Kernell, McDonald, Miller L, Montgomery, Naifeh, Parkinson, Ragan, Richardson, Shaw, Sontany, Stewart, Swann, Towns, Turner J, Turner M, Weaver, Williams K, Windle, Womick -- 35

Rep. Dean moved the previous question, which motion prevailed.

Rep. Hensley moved that **Senate Bill No. 1935** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	68
Noes.....	16
Present and not voting.....	4

Representatives voting aye were: Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dunn, Elam, Eldridge, Faison, Favors, Floyd, Forgety, Gilmore, Halford, Hall, Harrison, Hawk, Hensley, Holt, Johnson C,

**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Pody, Powers, Ragan, Ramsey, Richardson, Roach, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Todd, Towns, Turner J, Turner M, White, Williams K, Williams R, Wirgau, Madam Speaker Harwell -- 68

Representatives voting no were: Alexander, Armstrong, Dennis, Evans, Fitzhugh, Hardaway, Hill, Hurley, Jones, Kernell, Parkinson, Pitts, Pruitt, Weaver, Windle, Womick -- 16

Representatives present and not voting were: Bass, Camper, Rich, Sanderson -- 4

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on **Senate Bill No. 1935** and have this statement entered in the Journal: Rep(s). Gotto and Tidwell.

**REGULAR CALENDAR NO. 2, CONTINUED**

**House Bill No. 442** -- Mental Health, Dept. of - As introduced, changes the requirement that the statewide planning and policy council meet at least quarterly to meeting at least twice each year. - Amends TCA Title 33. by \*Haynes, \*Richardson. (\*SB420 by \*Massey, \*Overbey, \*Marrero)

Further consideration of House Bill No. 442 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 442 was made to conform with **Senate Bill No. 420**; the Senate Bill was substituted for the House Bill.

Rep. Haynes moved that Senate Bill No. 420 be passed on third and final consideration.

Rep. Casada moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 420 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 33, Chapter 6, part 6, is amended by adding the following as a new section:

33-6-624.

(a)

(1) There shall be created a pilot project in Knox County, Tennessee, for up to two (2) years for a maximum of ten (10) patients at any given time to receive assisted outpatient treatment.

(2) In addition to any authorized action under § 33-6-502, a court of competent jurisdiction may order a proposed patient to receive assisted outpatient treatment upon finding that the conditions of § 33-6-502(1)-(3) have been met.

(b) Before ordering an outpatient treatment plan pursuant to this part, the court shall comply with subsections (c)-(f).

(c)

(1) A proposed outpatient treatment plan, developed pursuant to this section by a physician or a professional designated under § 33-6-427(a) or (b) who has examined the proposed patient no more than ten (10) days prior to the entering of an order pursuant to this part, shall be presented to the court in writing. The plan shall include all services the examining physician or a professional designated under § 33-6-427 (a) or (b) recommends that the proposed patient receive, and for each such recommended service, identify an appropriate community-based provider that has agreed to provide it.

(2) If the proposed outpatient treatment plan includes alcohol or substance abuse counseling and treatment, it may include a provision requiring relevant testing for either alcohol or illegal substances; provided the clinical basis of the physician or a professional designated under § 33-6-427 (a) or (b) for recommending such plan provides sufficient facts for the court to find:

(A) That such person has a history of alcohol or substance abuse that is clinically related to the mental illness; and

(B) That such testing is necessary to prevent a relapse or deterioration which would be likely to result in serious harm to the person or others.

(3) The examining physician or a professional designated under § 33-6-427(a) or (b) shall:

(A) Provide an opportunity to actively participate in the development of the treatment plan to the proposed patient, the treating physician or a professional designated under § 33-6-427(a) or (b), if any, and, upon the rest of the proposed patient, any other individual significant to the proposed patient; and

(B) Make reasonable efforts to gather information that may be relevant in the development of the treatment plan from the proposed patient's family or significant others.

(d) At all stages of a proceeding commenced under this section, the proposed patient shall have the right to be represented by counsel. If neither the patient nor others provide counsel, the court shall appoint counsel for the proposed patient. Upon request of the proposed patient, the court shall order an independent examination by a physician or a professional designated under § 33-6-427(a) or (b) only when retained by the proposed patient.

(e)

(1) Upon receipt of a petition for which assisted outpatient treatment may be an option, the court shall fix the date for a hearing. Such date shall be no later than ten (10) days from the date such petition is received by the court excluding Saturdays, Sundays, and holidays. Adjournments shall be permitted only for good cause shown. In granting adjournments, the court shall consider the need for further examination of the proposed patient and the potential need to provide assisted outpatient treatment expeditiously. The court shall cause the proposed patient, any other person to whom notice is due under this chapter, the petitioner, the physician or a professional designated under § 33-6-427(a) or (b) whose affirmation or affidavit accompanied the petition, and such other persons as the court may determine to be advised of such date. Upon such date, or upon such other date to which the proceeding may be adjourned, the court shall hear testimony and, if it is deemed advisable and the proposed patient is available, examine the proposed patient in or out of court. If the proposed patient does not appear at the hearing, and appropriate attempts to elicit the attendance of the proposed patient have failed, the court may conduct the hearing in the proposed patient's absence. In such case, the court shall set forth the factual basis for such determination.

(2) If the affidavit or affirmation of the physician or a professional designated under § 33-6-427(a) or (b) accompanying the petition indicates that the proposed patient has not submitted to an examination in the ten (10) days prior to the filing of the petition, the court may request the proposed patient to submit to an examination by a physician or a professional designated under § 33-6-427(a) or (b) appointed by the court. If the proposed patient does not consent and the court finds reasonable cause to believe that the allegations in the petition are true, the court may order law enforcement officers to take the proposed patient into custody in accordance with § 33-6-618 and transport the patient to a hospital for examination by a physician or a professional designated under § 33-6-427(a) or (b). Transportation will be conducted in accordance with parts 4 and 9 of this chapter. The subject may

be detained for the period required to complete the examination, but not more than forty-eight (48) hours. The physician or a professional designated under § 33-6-427(a) or (b) whose affirmation or affidavit accompanied the petition may perform such examination of the proposed patient if the physician or a professional designated under § 33-6-427(a) or (b) is privileged or otherwise authorized by such hospital to do so. If such examination is performed by another physician or a professional designated under § 33-6-427(a) or (b), the examining physician or a professional designated under § 33-6-427(a) or (b) may consult with the physician or a professional designated under § 33-6-427(a) or (b) whose affirmation or affidavit accompanied the petition as to whether the subject meets the criteria for assisted outpatient treatment. Upon completion of the examination, the subject shall be released and the examining physician or a professional designated under § 33-6-427(a) or (b) shall report the finding of the examination to the court. The court shall not hold a hearing on the petition unless and until the examining physician or a professional designated under § 33-6-427(a) or (b) submits to the court:

(A) An affidavit or affirmation stating that the physician or a professional designated under § 33-6-427(a) or (b) concurs that the proposed patient meets the criteria for assisted outpatient treatment; and

(B) A proposed assisted outpatient treatment plan for the proposed patient, developed by the examination physician or a professional designated under § 33-6-427(a) or (b), and conforming to the requirements of subsection (c).

(3) The court shall not order assisted outpatient treatment unless an examining physician or a professional designated under § 33-6-427(a) or (b) who has personally examined the proposed patient no more than ten (10) days before the filing of the petition and recommends assisted outpatient treatment, testifies at the hearing. Such physician or a professional designated under § 33-6-427(a) or (b) shall testify to:

(A) The facts and clinical determinations that support the allegations that the proposed patient meets each of the criteria for assisted outpatient treatment; and

(B) The proposed assisted outpatient treatment plan, the rationale for each component of such plan, and whether each such component is the least restrictive available alternative to serve the clinical needs of the proposed patient; and

(C) A history of medication compliance.



(4) The proposed patient shall be afforded an opportunity to present evidence, to call witnesses on the patient's behalf, and to cross-examine adverse witnesses.

(5) Unless the proposed patient requests a public hearing, the hearing shall be confidential and a report of the proceedings shall not be released to the public or press.

(f)

(1) If after hearing all relevant evidence, the court does not find by clear and convincing evidence that the proposed patient meets the criteria for assisted outpatient treatment, the court shall not order outpatient treatment under this section and shall order inpatient care and treatment under § 33-6-502 or make other dispositions as authorized by law.

(2) If after hearing all relevant evidence, the court finds by clear and convincing evidence that the proposed patient meets the criteria for assisted outpatient treatment, the court may order the proposed patient to receive assisted outpatient treatment for an initial period not to exceed six (6) months. In fashioning the order, the court shall specifically make findings by clear and convincing evidence that the ordered treatment is the least restrictive treatment appropriate and feasible for the proposed patient, and that community resources and a willing treatment provider are available to support such treatment. The order shall state an assisted outpatient treatment plan, which shall include all categories of assisted outpatient treatment that the proposed patient is to receive, but shall not include any such category that has not been recommended in both the proposed written treatment plan and the testimony provided to the court.

(3) If after hearing all relevant evidence the court finds by clear and convincing evidence that the proposed patient meets the criteria for assisted outpatient treatment and that the treatment recommended by the examining physician or a professional designated under § 33-6-427(a) or (b) is in whole or in part appropriate, but the court does not find by clear and convincing evidence that community resources and a willing treatment provider are available to provide such treatment, the court shall state such findings of fact on the record and deny assisted outpatient treatment without prejudice and may order such other treatment or commitment as authorized by law.

(4) The petitioner shall cause a copy of any court order issued pursuant to this section to be served personally, or by mail, facsimile or electronic means, upon the assisted outpatient and all service providers identified in the treatment plan.

(g) In addition to any other right or remedy available by law with respect to the order for assisted outpatient treatment, either party to the order may apply to the court, on notice to the other party and all others entitled to notice, to stay, vacate, or modify the order.

(h) The treatment provider may modify the treatment plan according to the treatment needs of the assisted outpatient and provide notice to the court and petitioner.

(i) Within thirty (30) days prior to the expiration of an order for assisted outpatient treatment, the original applicant, if the petitioner retains the status of an authorized petitioner pursuant to this chapter, or, in the absence of a timely petition by the original petitioner, any other person authorized to petition pursuant to this chapter, may apply to the court to order continued assisted outpatient treatment and the court may order continued assisted outpatient for a period not to exceed six (6) months from the expiration date of the current order if the court finds by clear and convincing evidence that the assisted outpatient continues to meet the criteria in this part. If the court's disposition of such petition does not occur prior to the expiration date of the current order, the current order shall remain in effect for up to an additional thirty (30) days without further action of the court. If the court's disposition of such petition does not occur within thirty (30) days after the expiration date of the current order, the order for assisted outpatient treatment shall terminate. The procedures for obtaining any order pursuant to this subsection (i) shall be in accordance with this section;

(j) Section 33-6-607 shall apply to the costs incurred for services ordered under this section.

(k) An assisted outpatient's substantial failure to comply with the order of the court shall constitute reason for a physician or a professional designated under § 33-6-427(a) or (b) to determine whether the assisted outpatient is subject to emergency detention under § 33-6-401, and shall give rise to the authority under § 33-6-402 for such physician or a professional designated under § 33-6-427(a) or (b) to take custody of the assisted outpatient. Failure to comply with an order of assisted outpatient treatment shall not be grounds for a finding of contempt of court or for non-emergency involuntary detention under this title. Nothing in this section precludes the use of detention by law enforcement officers under § 33-6-402.

(l) The commissioner of mental health is authorized to promulgate rules to implement the provisions of this section in accordance with the Uniform Administration Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect July 1, 2012, the public welfare requiring it. For purposes of rulemaking, this act shall be effective upon becoming a law.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

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Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

**Amendment No. 2**

AMEND Senate Bill No. 420 by deleting in § 33-6-624(c)(3)(A) of SECTION 1 the language "rest" and substituting instead the language "request".

AND FURTHER AMEND in § 33-6-624(e)(2) of SECTION 1 by deleting the language "finding" and substituting instead the language "findings".

AND FURTHER AMEND in § 33-6-624(e)(2)(B) of SECTION 1 by deleting the language "examination" and substituting instead the language "examining".

AND FURTHER AMEND in § 33-6-624(f)(2) of SECTION 1 by deleting the language "lease" and substituting instead the language "least".

AND FURTHER AMEND in § 33-6-624(i) of SECTION 1 by deleting the language "assisted outpatient for" and substituting instead "assisted outpatient treatment for" and by deleting the language "assisted outpatient continues" and substituting instead the language "assisted outpatient treatment continues".

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Haynes moved that **Senate Bill No. 420**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	86
Noes.....	0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 86

A motion to reconsider was tabled.

**\*House Bill No. 2747** -- Licenses - As introduced, increases the minimum fees for unrestricted initial staff leasing company licenses and renewals thereof from \$100 for residents and \$150 for nonresidents to \$150 and \$200 respectively. - Amends TCA Title 56, Chapter 56 and Title 62, Chapter 43. by \*Haynes, \*Johnson P. (SB2633 by \*Johnson)

Further consideration of House Bill No. 2747 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

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On motion, House Bill No. 2747 was made to conform with **Senate Bill No. 2633**; the Senate Bill was substituted for the House Bill.

Rep. Haynes moved that Senate Bill No. 2633 be passed on third and final consideration.

Rep. McManus moved that Commerce Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McManus moved that Commerce Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. McManus moved that Commerce Committee Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Harrison moved adoption of Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 4, as follows:

**Amendment No. 4**

AMEND Senate Bill No. 2633 by deleting all language after the enacting clause and by substituting instead the following:

**SECTION 1.** Tennessee Code Annotated, Title 62, Chapter 43, is amended by deleting the chapter in its entirety and by substituting instead the following:

**62-43-101.** This chapter shall be known and may be cited as the "Tennessee Professional Employer Organization Act".

**62-43-102.** As used in this chapter, unless the context otherwise requires:

(1) "Applicant" means a person seeking an initial or renewal registration pursuant to this chapter;

(2) "Audit" means an engagement performed in accordance with the Statements on Auditing Standards (SAS);

(3) "Client" means any person who enters into a professional employer agreement with a professional employer organization;

(4) "Co-employer" means either a professional employer organization or a client;

(5) "Co-employment relationship" means a relationship which is intended to be an ongoing relationship rather than a temporary or project specific one, wherein the rights, duties, and obligations of an employer which arise out of an employment relationship have been shared and allocated between co-employers pursuant to a professional employer agreement and this chapter;

(6) "Covered employee":

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(A) Means an individual having a co-employment relationship with a professional employer organization and a client who meets all of the following criteria:

(i) The individual has received written notice of co-employment with the professional employer organization; and

(ii) The individual's co-employment relationship results pursuant to a professional employer agreement; and

(B) Includes individuals who are officers, directors, shareholders, partners, and managers of the client; provided, that such individuals meet the criteria of subdivision (6)(A) and act as operational managers or perform day-to-day operational services for the client, unless the professional employer organization and the client have expressly agreed in the professional employer agreement that such individuals shall not be covered employees;

(7) "Department" means the department of commerce and insurance;

(8) "Local governmental entity" means a governing body, board, commission, committee or department of a municipality or county;

(9) "Person" has the same meaning as in § 1-3-105 and as amended;

(10) "Professional employer agreement" means a written contract between a client and a professional employer organization that provides:

(A) For the co-employment of covered employees;

(B) For the allocation of employer rights and obligations between the client and the professional employer organization with respect to covered employees; and

(C) That the professional employer organization and the client assume the responsibilities required by this chapter;

(11) "Professional employer organization":

(A) Means any person engaged in the business of providing professional employer services, regardless of the use of the term or conducting business as a "professional employer organization," "PEO," "staff leasing company," "registered staff leasing company," "employee leasing company," "administrative employer," or any other name; and

(B) Includes a professional employer organization group;

(12) "Professional employer organization benefit and welfare plan" means a plan offered to covered employees of a professional employer organization registered pursuant to this chapter;

(13) "Professional employer organization group" means two (2) or more professional employer organizations that are majority owned or commonly controlled by the same entity, parent or controlling person;

(14) "Professional employer services " means the service of entering into co-employment relationships under this chapter in which all or a majority of the employees providing services to a client, a division or work unit of a client are covered employees;

(15) "Registrant" means a professional employer organization registered under this chapter;

(16) "Small operations" means an applicant or registrant with less than fifty million dollars (\$50,000,000) in annualized wages;

(17) "Temporary help services" means services consisting of a person:

(A) Recruiting and hiring its own employees;

(B) Finding other organizations that need the services of its employees;

(C) Assigning its employees:

(i) To perform work at or services for the other organizations to support or supplement the other organizations' workforces;

(ii) To provide assistance in special work situations such as, but not limited to, employee absences, skill shortages or seasonal workloads; or

(iii) To perform special assignments or projects; and

(D) Customarily attempting to reassign its employees to other organizations when they finish each assignment; and

(18) "Working capital" means the excess of current assets over current liabilities as determined by generally accepted accounting principles.

**62-43-103.**

(a)

(1) The department may promulgate rules and prescribe forms reasonably necessary for the administration and enforcement of §§ 62-43-106, 62-43-107 and 62-43-112.

(2) Rules shall be promulgated pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5 and as amended.

(b)

(1) The professional employer organization advisory council is created and shall consist of five (5) members to be appointed by the governor to four (4) year terms. A term shall become effective on appointment and continue until a successor has been appointed. A vacancy shall be filled by appointment to the unexpired term by the governor.

(2)

(A) Three (3) members of the council shall be individuals owning or working for a professional employer organization.

(B) The remaining two (2) members shall:

(i) Be residents of this state; and

(ii) Not be, or ever have been, connected with a professional employer organization.

(C) Among the members described in subdivision (b)(2)(B):

(i) One (1) such member shall represent the consumer interests of this state; and

(ii) One (1) such member shall be a representative of the department.

(3) The council shall elect a chair and other officers to a term of one (1) year or until a successor is elected. Meetings may be called by the chair or by any two (2) members. A meeting may be held by electronic means. Three (3) members shall constitute a quorum to conduct business. Whenever vacancies prevent a quorum, the remaining members shall constitute a quorum for the purposes of recommending to the governor appointments to the council.

(4) Members shall serve without compensation.

(5) The following are the powers and duties of the council:

(A) Determine its rules of order and procedure;

(B) Recommending to the governor appointments to the council;

(C) Send notice of its agenda and proceedings to any requesting person;

(D) Petition the department, pursuant to § 4-5-201 and as amended; and

(E) Advise the department on this chapter.

(6)

(A) The council is attached to the department for the purposes of administration and cooperation.

(B) The department shall notify the council of any action pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5 and as amended, relating to a rule promulgated pursuant to this chapter.

(C) Any nonprofit organization representing five (5) or more professional employer organizations registered in this state may recommend appointments to the council.

**62-43-104.** All records, reports and other information obtained from an applicant or registrant under this chapter, except to the extent necessary for the proper administration of this chapter by the department, shall be confidential and shall not be published or open to public inspection other than to public employees in the actual performance of their public duties.

**62-43-105.**

(a) Nothing contained in this chapter or in any professional employer agreement shall affect, modify or amend any collective bargaining agreement, or the rights or obligations of any client, professional employer organization or covered employee under:

(1) The National Labor Relations Act, compiled in 29 U.S.C. §§ 131 et seq and as amended;

(2) The Railway Labor Act, compiled in 45 U.S.C. §§ 151 et seq and as amended; or

(3) Applicable state labor relations law, compiled in titles 12 and 50 and as amended.

(b) Nothing in this chapter or in any professional employer agreement shall:

(1) Diminish, abolish or remove rights of covered employees to a client or obligations of such client to a covered employee existing prior to the effective date of the professional employer agreement;



(2) Affect, modify or amend any contractual relationship or restrictive covenant between a covered employee and any client in effect at the time a professional employer agreement becomes effective

(3) Prohibit or amend any contractual relationship or restrictive covenant that is entered into subsequently between a client and a covered employee;

(4) Impose responsibility or liability on a professional employer organization in connection with, or arising out of, any such existing or new contractual relationship or restrictive covenant between the client and a covered employee unless the professional employer organization has specifically agreed otherwise in writing; or

(5) Create any new or additional enforceable right of a covered employee against a professional employer organization that is not specifically provided by the professional employer agreement or this chapter.

(c) Nothing contained in this chapter or any professional employer agreement shall affect, modify or amend any state, local governmental entity or federal licensing, registration, or certification requirement applicable to any client or covered employee.

(1) A covered employee who must be licensed, registered or certified according to law or regulation is deemed solely an employee of the client for purposes of any such license, registration or certification requirement.

(2) A professional employer organization shall not be deemed to engage in any occupation, trade, profession or other activity that is subject to licensing, registration or certification requirements, or is otherwise regulated by a local governmental entity solely by entering into and maintaining a co-employment relationship with a covered employee who is subject to such requirements or regulation.

(3) A client shall have the sole right of direction and control of the professional or licensed activities of covered employees and of the client's business. Such covered employees and clients shall remain subject to regulation by the state or local governmental entity responsible for licensing, registration or certification of such covered employees or clients.

(d)

(1) For purposes of determination of tax credits and other economic incentives provided by this state or a local government entity and based on employment, covered employees shall be deemed employees solely of the client.

(2) A client shall be entitled to the benefit of any tax credit, economic incentive or other benefit arising as the result of the employment of covered employees of such client.

(3) Notwithstanding that the professional employer organization is the W-2 reporting employer, the client shall continue to qualify for such benefit, incentive or credit.

(4) If the grant or amount of any such credit, incentive or benefit is based on the number of employees, then each client shall be treated as employing only those covered employees co-employed by the client. Covered employees working for other clients of the professional employer organization shall not be counted.

(5) Each professional employer organization shall provide, upon request by a client, an agency or department of this state or local governmental entity, employment information reasonably required by any agency or department of this state responsible for administration of any such tax credit, economic incentive or benefit and necessary to support any request, claim, application or other action by a client seeking any such tax credit, economic incentive or benefit.

(e) With respect to a bid, contract, purchase order or agreement entered into with this state or a local governmental entity, a client company's status or certification as a Tennessee small business, minority-owned business, Tennessee service-disabled veteran owned business, disadvantaged business or woman-owned business, or as a historically underutilized business enterprise, is not affected because the client company has entered into an agreement with a professional employer organization or uses the services of a professional employer organization.

(f) In a co-employment relationship:

(1) The professional employer organization is entitled to enforce only such employer rights, and is subject to only those obligations, specifically allocated to the professional employer organization by the professional employer agreement or this chapter;

(2) The client is entitled to enforce:

(A) The rights, and obligated to provide and perform the employer obligations, allocated to the client by the professional employer agreement and this chapter; and

(B) Any right or obligation, not specifically allocated to the professional employer organization by the professional employer agreement or this chapter.

(g) A person is not a professional employer organization if the person:

(1)

(i) Engages in a principal business activity that does not involve entering into professional employer arrangements;

(ii) Does not hold itself out as a professional employer organization; and

(iii) Shares employees with a commonly owned company within the meaning of §§ 414(b) and (c) of the Internal Revenue Code of 1986, as amended;

(2) Provides temporary help services; or

(3) Assumes responsibility through independent contractor arrangements for the product produced or service performed by such person or his agents and retains and exercises primary direction and control over the work performed by the individuals whose services are supplied under such arrangements.

**62-43-106.**

(a)

(1) No person shall provide, advertise or otherwise hold itself out as providing professional employer services in this state unless such person is registered under this chapter.

(2) The department shall register an applicant meeting the requirements of this chapter.

(3)

(A) If the department denies registration to an applicant, the department shall provide written notice that includes the reasons for the denial. The applicant shall have sixty (60) days from the date the notice was sent to:

(i) Submit proof to the department that the reasons for the denial have been cured; or

(ii) Request, in writing, reconsideration from the commissioner.

(B) The department shall provide written notice of its determination after considering the applicant's submission or request under subdivisions (a)(3)(A)(i) or (a)(3)(A)(ii) within thirty (30) days of receiving a submission or request.

(C)

(i) After submission of a written request for consideration, an initial applicant shall have the right to appear before the commissioner or the commissioner's designee to present the applicant's request for reconsideration. If an applicant wishes to appear before the commissioner or the commissioner's designee to present their request for reconsideration, then the department shall provide written notice of its determination within thirty (30) days after such appearance; provided, that it is the commissioner's decision as to whether or not the defect or defects have been cured and whether or not to issue the registration.

(ii) An applicant who is not an initial applicant may request a hearing pursuant to § 4-5-320 before the commissioner makes a final determination to deny a renewal registration.

(4) Registration under this chapter shall remain in force for two (2) years from the date of issuance of registration.

(b) Each applicant for initial registration under this chapter shall submit to the department the following:

(1) Any name under which the applicant conducts business;

(2) The address of the principal place of business of the applicant and of each office it maintains in this state;

(3) The applicant's taxpayer or employer identification number;

(4) A list by state of each name under which the applicant has operated in the preceding five (5) years, including any alternative names, names of predecessors and, if known, successor business entities;

(5) A statement of ownership, which shall include the name, address and principal occupation of any person that, individually or acting in concert with one (1) or more other persons, owns or controls, directly or indirectly:

(A) Twenty percent (20%) or more of the equity interests of the applicant who is a publicly traded entity; or

(B) Ten percent (10%) or more of the equity interest of the applicant who is not a publicly traded entity;

(6) A statement of management, which shall include the name, address and principal occupation of any person who serves as president, chief executive officer or otherwise has the authority to act as a senior executive officer of the applicant;

(7) If the applicant or a person listed in subdivisions (b)(5) or (6) has in any jurisdiction:

(A) Been convicted of or entered a plea of nolo contendere to a crime relating to the operation of a professional employer organization;

(B) Been disciplined relating to the operation of a professional employer organization;

(C) Been convicted of or entered a plea of nolo contendere to an offense relating to bribery, dishonesty or fraud;

(D) Been convicted of or entered a plea of nolo contendere to any felony; or

(E) Been found liable for civil fraud;

(8) A financial statement setting forth the financial condition of the applicant; provided, that:

(A) The applicant shall submit the most recent audit of the applicant with its initial application;

(B) No financial statement submitted with the initial application shall be older than thirteen (13) months from the date of the report of the auditor;

(C) Within one-hundred eighty (180) days of the close of an applicant's fiscal year, the applicant shall submit its most recent financial statement; provided, that an applicant may apply to the department for additional time to submit its financial statements, and such a request shall be accompanied by a letter from the auditors stating the reasons for the delay and the anticipated audit completion date;

(D) Financial statements submitted pursuant to this subdivision (b)(8) shall be prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant licensed to practice in the jurisdiction in which such accountant is located; provided, that no resulting report of the auditor shall include:

(i) A qualification or disclaimer of opinion as to adherence to generally accepted accounting principles; or

(ii) A statement expressing substantial doubt about the ability of the applicant to continue as a going concern;

(E) An applicant may submit combined or consolidated audited financial statements to meet the requirements of this section;

(F) Notwithstanding subdivision (b)(8)(D)(i):

(i) An applicant that has not had sufficient operating history to have financial statements based upon at least twelve (12) months of operating history shall meet the financial capacity requirements in subsection (c) and submit financial statements reviewed by an independent certified public accountant; and

(ii) If an applicant is a subsidiary or is related to a variable interest entity, then the applicant may submit financial statements of the professional employer organization, professional employer organization group or the controlling organization;

(G)

(i) In lieu of audited financial statements required by this subdivision (b)(8), an applicant or registrant with small operations may submit financial statements compiled by an independent certified public accountant.

(ii) The department shall consider an applicant or registrant a professional employer organization with small operations if the applicant or registrant submits to the department:

(a) A request to be deemed a PEO with small operations on a form prescribed by the department; and

(b) The most recent fourth quarter federal Form 941 of the applicant or registrant and any related person that offers professional employer services; provided, the aggregate annualized wages shall be less than fifty million dollars (\$50,000,000).

(iii) The form required in subdivision (b)(8)(G)(ii) shall be submitted to the department in any year the applicant or registrant seeks to be considered a professional employer organization with small operations.

(iv) In any year that an applicant or registrant with small operations does not meet the requirements to maintain such status, that applicant or registrant shall have

six (6) months from the close of the current fiscal year of the applicant or registrant to either:

(a) Meet the requirements of this subdivision (b)(8)(G); or

(b) Submit audited financial statements;

(9) Evidence of workers' compensation coverage for covered employees in this state who are subject to the Tennessee Workers' Compensation Law, compiled in title 50, chapter 6 and as amended; and

(10) A written statement in regards to whether the applicant sponsors a self-insured health plan.

(c) Except as provided by subdivision (b)(8)(F)(i) and subsection (f), an applicant shall maintain either:

(1) Positive working capital at registration as reflected in the financial statements submitted to the department under subdivision (b)(8); or

(2) An applicant that does not have positive working capital may provide a bond, irrevocable letter of credit or securities with a minimum market value equaling the deficiency plus one hundred thousand dollars (\$100,000) to the department; provided, that such instruments are to be held by an institution designated by the department, securing payment by the applicant of all taxes, wages, benefits or other entitlements due to or with respect to covered employees if the applicant does not make such payments when due.

(d)

(1) No later than one-hundred eighty (180) days after the applicant's fiscal year that is the second year of its current registration, the applicant may renew its registration by:

(A) Notifying the department of any changes in the information submitted under subsection (b); and

(B) Submitting the financial statement required under subdivision (b)(8) or the alternatives under subdivision (b)(8)(G) or subsection (c), as applicable.

(2) An applicant's existing registration shall remain in effect during the pendency of a renewal application.

(e) An applicant who is a professional employer organization group may satisfy the requirements in this section on a combined or consolidated basis provided that each member of the professional employer organization group guarantees the financial capacity obligations under this chapter of each other

member of the professional employer organization group. In the case of a professional employer organization group that submits a combined or consolidated audited financial statement including entities that are not professional employer organizations or that are not in the professional employer organization group, the controlling entity of the professional employer organization group under the consolidated or combined statement shall guarantee the obligations of the professional employer organizations in the professional employer organization group.

(f)

(1) An applicant is eligible for a limited registration under this chapter if such applicant:

(A) Submits a request for limited registration to the department;

(B) Is domiciled outside this state and is licensed or registered as a professional employer organization in another state;

(C) Does not maintain an office in this state or directly solicits clients located or domiciled within this state; and

(D) Does not have more than fifty (50) covered employees employed or domiciled in this state.

(2) Limited registration is valid for two (2) years and may be renewed.

(3) An applicant seeking limited registration under this subsection (f) shall provide the department with information and documentation necessary to show that the applicant qualifies for a limited registration.

(4) Subdivision (b)(8) and subsection (c) shall not apply to applicants for limited registration.

(g) Notwithstanding § 62-43-104, the department shall maintain a list of registrants that is readily available to the public by electronic or other means.

(h)

(1) The department shall to the extent practical, permit the acceptance of electronic filings in conformance with the Uniform Electronic Transactions Act, compiled in title 47, chapter 10 and as amended, including applications, documents, reports and other filings required by this chapter.

(2) The department may provide for the acceptance of electronic filings and other assurance by an independent and qualified assurance organization approved by the department that provides satisfactory



assurance of compliance acceptable to the department consistent with or in lieu of the requirements in subsections (b) and (c), and other requirements of this chapter or the rules promulgated pursuant to it.

(3) The department may permit an applicant to authorize such an approved assurance organization to act on the applicant's behalf in complying with the registration requirements of this chapter, including electronic filings of information and payment of registration fees; provided, that use of such an approved assurance organization shall be optional and not mandatory for an applicant.

(4) Nothing in this subsection (h) shall limit or change the department's authority to register or terminate registration of a registrant or applicant or to investigate or enforce this chapter.

(i) A registrant shall:

(1) Submit to the department, within ninety (90) days of the end of each calendar quarter, a statement by an independent certified public accountant or independent public accountant that for the quarter all applicable payroll taxes have been paid on a timely basis. Upon a showing of reasonable cause, one (1) thirty-day extension per quarter shall be granted by the department;

(2) Maintain and make available for the department's inspection any and all records concerning the registrant's conduct of business under its registration, which records shall be maintained for a period of three (3) years after termination of the professional employer agreement;

(3) Notify the department in writing of a change in the information submitted under subdivisions (b)(1) - (7) within thirty (30) days of such change;

(4) Post the registration issued under this chapter in a conspicuous place in the principal place of business and display in clear public view in each registrant's office in this state a notice stating that the professional employer organization is licensed and regulated by the department and that any questions or complaints should be directed to the department; and

(5) Submit a written response to a written inquiry from the department within thirty (30) days of receiving the inquiry.

**62-43-107.**

(a) The department may establish the following fees by rule:

(1) Initial application fee;

(2) Initial registration fee, which includes a fee for limited registration, as applicable; and

(3) Renewal registration fee.

(b) No fee charged pursuant to this section shall exceed the amount reasonably necessary for the administration of this chapter. All fees collected by this state pursuant to this chapter shall be used by the department to implement and administer this chapter. The fees shall be deposited in a reserve for such purposes and the principal and interest of the reserve shall not revert on June 30 of any year.

(c) Fees under this section shall be:

(1) Remitted with the application or with the hearing request;

(2) Payable to this state; and

(3) Nonrefundable.

**62-43-108.**

(a)

(1) The co-employment relationship shall be based on a written professional employer agreement between the client and the professional employer organization setting forth the responsibilities and duties of each co-employer. The professional employer agreement shall disclose to the client the services to be rendered, including charges and fees, the respective rights and obligations of the parties and provide that the professional employer organization:

(A) Reserves a right of direction and control over covered employees of the client; however, the client may retain sufficient direction and control over covered employees that is necessary to conduct the client's business and without which the client would be unable to conduct its business, discharge any fiduciary responsibility that it may have or comply with any applicable licensure, regulatory or statutory requirement of the client;

(B) Pursuant to this section, assumes responsibility for the payment of wages of its covered employees, its payroll-related taxes and its employee benefits from its own accounts without regard to payments by the client to the professional employer organization; and

(C) Retains a right to hire, terminate and discipline covered employees.

(2) A professional employer organization shall give written notice of the general nature of the relationship between the professional employer organization and the client to each covered employee.

(3) A professional employer organization shall be deemed an employer of its covered employees and shall pay wages to covered

employees; withhold, collect, report and remit payroll-related and unemployment taxes; and, to the extent the professional employer organization has assumed responsibility in the professional employer agreement, make payments for employee benefits for covered employees. As used in this section, the term “wages” does not include any obligation between a client and a covered employee for payments beyond or in addition to the covered employee’s salary, draw, or regular rate of pay, such as bonuses, commissions, severance pay, deferred compensation, profit sharing or vacation, sick or other paid time off pay, unless the professional employer organization has expressly agreed to assume liability for such payments in the professional employer agreement.

(b) Except to the extent otherwise expressly provided by the applicable professional employer agreement:

(1) A client shall be solely responsible for the quality, adequacy or safety of the goods or services produced or sold in client’s business;

(2) A client shall be solely responsible for directing, supervising, training and controlling the work of the covered employees with respect to the business activities of the client and solely responsible for the acts, errors or omissions of the covered employees with regard to such activities;

(3) A client shall not be liable for the acts, errors or omissions of a professional employer organization, or of any covered employee of the client and a professional employer organization when such covered employee is acting under the express direction and control of the professional employer organization;

(4) A professional employer organization shall not be liable for the acts, errors, or omissions of a client or of any covered employee of the client when such covered employee is acting under the express direction and control of the client;

(5) Nothing in this subsection (b) shall serve to limit any contractual liability or obligation specifically provided in the written professional employer agreement; and

(6) A covered employee is not, solely as the result of being a covered employee of a professional employer organization, an employee of the professional employer organization for purposes of general liability insurance, fidelity bonds, surety bonds, employer’s liability which is not covered by workers’ compensation, or liquor liability insurance carried by the professional employer organization unless the covered employees are included by specific reference in the professional employer agreement and applicable prearranged employment contract, insurance contract or bond.

(c)

(1) A professional employer organization may sponsor and maintain employee benefit and welfare plans for the benefit of its covered employees. Any of those plans that are plans of insurance shall comply with the applicable provisions of the insurance laws of this state. The self-insured plans developed under this section are not subject to premium taxes. The department may promulgate rules regulating self-insured plans under this section.

(2) An applicant or registrant shall disclose to the department, to each client company and to all eligible covered employees the following information relating to any benefit plan of insurance provided for the benefit of its covered employees:

(A) The type of coverage and a copy of the insurance policy or certificate or summary plan description;

(B) The identity of each insurer for each type of coverage;

(C) The amount of benefits for each type of coverage and to whom or on whose behalf benefits will be paid; and

(D) The policy limits on each insurance policy.

(3) Nothing in this subsection (c) shall require a professional employer organization to provide comparable benefits to covered employees located at different clients.

(4) The sale of professional employer services in conformance with this chapter shall not constitute the sale of insurance within the meaning of applicable state law.

**62-43-109.**

(a) A professional employer organization shall be deemed an employer of its covered employees and shall pay state unemployment premiums as required by the Tennessee Employment Security Law, compiled in title 50, chapter 7 and as amended.

(b) A professional employer organization shall keep separate records and submit separate state unemployment insurance wage and premium reports with payments pursuant to title 50, chapter 7, part 4 and as amended, to report the covered employees of each client by using the client's state employer account number as provided for in subsection (c) and using the premium rate based on the aggregate reserve ratio of the professional employer organization as provided in subsection (d).

(c)

(1) For each professional employer organization having one (1) or more covered employees with a client in this state, such professional employer organization shall file an application with the chief

administrative officer of the division of employment security of the department of labor and workforce development for an account number for each client having one (1) or more covered employees in this state; provided, the application shall include:

(A) The aggregate state number assigned to the professional employer organization, along with the name, address and phone number of the professional employer organization;

(B) The name, physical address and phone number of the client;

(C) The name of the client's owner, partners, corporate officers, limited liability company members and managers, if board managed, or general partners;

(D) The federal identification number of the client;

(E) The signature of the client's principal or attorney in fact;

(F) A brief description of the client's major business activity, listing any products produced or sold, or service provided; and

(G) Any other information which may be required by the department of labor and workforce development.

(2) The professional employer organization shall notify the department of labor and workforce development in writing of any additions or deletions of clients during the quarter in which such changes occur.

(3) All information furnished to the department of labor and workforce development under this subsection (c) shall be treated as confidential information as provided in § 50-7-701 and as amended.

(d) A professional employer organization shall determine the aggregate reserve ratio of a professional employer organization by using one (1) of the following two (2) methods:

(1)

(A) Total all the state unemployment premiums paid on both the state taxable wages of a professional employer organization and on the state taxable wages of all the clients of such professional employer organization for all years during which the professional employer organization has been subject to title 50, chapter 7 and all the years each individual client has been a client of the professional employer organization as of the

computation date, as provided in § 50-7-403(k)(1) and as amended;

(B) Subtract therefrom the total of all benefits charged to the aggregate reserve account of the professional employer organization for all years, including the benefits charged resulting from benefits paid to covered employees of each individual client for all the years each client has been a client of the professional employer organization as of the computation date;

(C) Divide the difference determined in subdivision (d)(1)(A)(ii) by the average taxable payroll for the three (3) most recently completed calendar years, ending on the computation date, of the professional employer organization, plus the average taxable payroll of each client for that portion of the three-year period during which such client was a client of the professional employer organization;

(D) The resulting quotient shall be the aggregate reserve ratio of the professional employer organization beginning the July 1 following the computation date; and

(E) The employer premium rate for the professional employer organization shall be determined by matching its aggregate reserve ratio to the appropriate premium rate table pursuant to title 50, chapter 7 and as amended; or

(2) In cases where the aggregate reserve account of a professional employer organization has not been chargeable with benefits for thirty-six (36) consecutive months ending on the computation date, the professional employer organization shall be assigned the new employer premium rate based upon the reserve ratio of the professional employer organization's industrial classification as determined pursuant to § 50-7-403(b)(1)(B) and as amended.

(e) A professional employer organization shall not be considered a successor employer, within the meaning of title 50, chapter 7 and as amended, to any client and shall not acquire the experience history of any client with whom there is not any common ownership, management or control. The client, upon terminating its relationship with the professional employer organization, shall not be considered a successor employer, within the meaning of title 50, chapter 7 and as amended, to the professional employer organization and shall not acquire any portion of the experience history of the aggregate reserve account of the professional employer organization with whom there is not any common ownership, management or control. For purposes of this subsection (e), the existence of professional employer agreement, without other evidence of common control, shall not constitute common ownership, management or control.

(f)

(1) A client shall be jointly and severally liable with a professional employer organization for state unemployment premiums for each of the client's covered employees; provided, however, that a client shall be relieved of joint and several liability for state unemployment premiums if the professional employer organization has posted a corporate surety bond, as described in this subsection (f), with the administrator of the division of employment security of the Tennessee department of labor and workforce development in the amount of one hundred thousand dollars (\$100,000) for so long as the bond remains in force.

(2) The corporate surety bond shall be in form and content approved by the department of labor and workforce development as evidenced by the department's written consent thereto, and shall be issued by an organization currently licensed and authorized to issue the bond in this state.

(3) The bond shall be conditioned for the benefit of the department of labor and workforce development, who may enforce the bond to collect unpaid unemployment insurance premiums, interest and penalties owed by the professional employer organization pursuant to title 50, chapter 7, part 4 and as amended.

(4) Any surety is required to provide the administrator of the division of employment security of the department of labor and workforce development sixty (60) days' notice of cancellation of the bond.

(5) If after three (3) full calendar years, throughout which a professional employer organization has paid all unemployment insurance premiums due in a timely manner and has a positive unemployment insurance reserve account, the bond may be reduced to an amount no less than thirty-five thousand dollars (\$35,000) as determined and approved by the administrator conditioned upon the total taxable payroll for the previous calendar year and other factors deemed relevant by the administrator.

(6) Any reduced bond shall be subject to review on no less than an annual basis by the administrator, who may adjust the required amount of the bond as is deemed appropriate.

**62-43-110.**

(a) A professional employer organization shall:

(1) Ensure that its Tennessee covered employees are covered by workers' compensation insurance provided in accordance with title 50 and the applicable Tennessee insurance laws and regulations as amended;

(2) Notify the department and its clients within ten (10) days of any notice of cancellation of its workers' compensation coverage; and

(3) Notify the department and its workers' compensation carrier, if applicable, of the termination of the professional employer organization's relationship with any client with covered employees in this state.

(b) The professional employer organization shall be entitled along with the client to the exclusivity of the remedy under both the workers' compensation and employer's liability provisions of a workers' compensation policy or plan that either party has secured.

**62-43-111.**

(a) Covered employees whose services are subject to sales tax shall be deemed the employees of the client for purposes of collecting and levying sales tax on the services performed by the covered employee. Nothing contained in this chapter shall relieve a client of any sales tax liability with respect to its goods or services.

(b) Any tax or assessment imposed upon professional employer services or any business license or other fee which is based upon "gross receipts" shall allow a deduction from the gross income or receipts of the business derived from performing professional employer services that is equal to that portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, worker's compensation, payroll taxes, withholding or other assessments paid to or on behalf of a covered employee by the professional employer organization under a professional employer agreement.

(c) Any tax assessed or assessment or mandated expenditure on a per capita or per employee basis shall be assessed against the client for covered employees and against the professional employer organization for its employees who are not covered employees co-employed with a client. Benefits or monetary consideration that meet the requirements of mandates imposed on a client and that are received by covered employees through the professional employer organization either through payroll or through benefit plans sponsored by the professional employer organization shall be credited against the client's obligation to fulfill such mandates.

(d) In the case of a tax or an assessment imposed or calculated upon the basis of total payroll, the professional employer organization shall be eligible to apply any small business allowance or exemption available to the client for the covered employees for purpose of computing the tax.

(e) Except to the extent provided otherwise in the professional employer agreement with a client, a professional employer organization is not liable for the general debts, obligations, loss of profits, business goodwill or other consequential special or incidental damages of a client with which it has entered into a professional employer agreement.

(f) This section applies to this state and local governmental entities.

**62-43-112.**



(a) No person shall:

(1) Submit false information to the department;

(2) Make a materially false entry in the records of a professional employer organization; or

(3) Violate this chapter.

(b) The following constitute grounds for which the department may take action under subsection (c) against a person subject to this chapter:

(1) Being convicted of an offence or disciplined as described in § 62-43-106(b)(7);

(2) Committing a prohibited act under subsection (a);

(3) Making, issuing, circulating or causing to be made, issued or circulated, any estimate, illustration, circular, statement, advertisement, sales presentation, omission or comparison that misrepresents the benefits, advantages, conditions or terms of any professional employer services or is otherwise untrue, deceptive or misleading;

(4) Entering into any agreement to commit or, by any concerted action, committing any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of or monopoly in the business of employee leasing; or

(5) Permitting to be used or using, permitting to be filed or filing, any name, trade name, fictitious name or business identity which is the same as, similar to or may be confused with the name, trade name, fictitious name or business identity of an existing licensee, any governmental agency or any nonprofit organization.

(c) For violating subsection (a) or when grounds exist under subsection (b), the department may:

(1) Issue an order:

(A) To comply with the chapter; or

(B) To cease and desist;

(2) Impose an administrative penalty not to exceed one thousand dollars (\$1000) for each set of facts constituting a separate violation;

(3) Restrict or suspend a registration;

(4) Place the registrant on probation for a period of time not to exceed the next full term of registration where the registrant is subject to the terms and conditions determined by the department;

(5) Deny an application or revoke a registration; or

(6) Enjoin or restrain by bringing an action in the chancery court of Davidson County.

(d) If the department finds that a violation has occurred or that grounds exist to take an action under subsection (c), the department shall consider the following when determining what action to take:

(1) Whether the person committing the act or failing to act did so:

(A) Knowingly;

(B) Recklessly;

(C) Repeatedly; or

(D) Relying on information of another person or was subject to an illegal act;

(2) The materiality and severity of the violation; and

(3) The person's actions to cure the violation.

(e) If the action under subdivision (c)(5) is taken by the department:

(1) The department shall notify:

(A) The department of labor and workforce development; and

(B) Each client of which the department has knowledge of the department's action; and

(2) The person with a revoked registration shall:

(A) Immediately cease soliciting clients for professional employer services;

(B) Not execute additional professional employer agreements or enter into any arrangement wherein it agrees to provide professional employer services;

(C) Wind down the operations of the professional employer organization so that the professional employer organization will no longer be in operation sixty (60) days after the effective date of the revocation; and

(D) Return the registration that was revoked to the department.

(f)

(1) The department may make or cause to be made investigations, audits or reviews within or without this state as the department deems necessary:

(A) To determine whether a person has violated or is in danger of violating this chapter, including any regulation or rule promulgated under this chapter; or

(B) To aid in the enforcement of this chapter.

(2) All material compiled by the department in any investigation, audit or review under this section shall be confidential and exempt from public disclosure pursuant to title 10, chapter 7 and as amended, until ten (10) days after a finding of probable cause resulting from the investigation, audit or review; however, financial information, including, but not limited to, client lists, obtained by the department in connection with investigations, audits or reviews shall be kept confidential and exempt from the public disclosure requirements of title 10, chapter 7.

(3) The department may impose upon the person found to have violated this chapter the cost of investigation and prosecution, including reasonable attorney fees.

(g) The Uniform Administrative Procedures Act, compiled in title 4, chapter 5 and as amended, governs all matters and procedures regarding the hearing and judicial review of any contested case arising under this chapter.

**62-43-113.** The provisions of this chapter are severable. If any provision of this chapter or application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application.

**62-43-114.**

(a) Rules promulgated pursuant to the “Tennessee Employee Leasing Act”, that are in effect prior to enactment of this act, shall remain in effect unless such rules are in conflict with this chapter or until modified or repealed by the department.

(b) A plan, adopted by a study committee establishing criteria for a staff leasing company sponsoring and maintaining a plan for self-insurance for health benefits on or before January 1, 1998, shall be deemed a rule of the department and shall remain in effect unless such rule is in conflict with this chapter or until modified or repealed by the department.

(c) A current license in effect at the effective date of this act shall remain in effect until one-hundred eighty (180) days after the close of the licensee’s current fiscal year.

(d) The most recent appointments to the advisory board under the Tennessee Employee Leasing Act shall be considered appointments to the advisory council unless the governor appoints a successor to an expired term.

**SECTION 2.** Tennessee Code Annotated, Title 56, Chapter 56, is amended by deleting the chapter in its entirety and by substituting instead the following language:

**56-56-101.** As used in this chapter, "professional employer organization benefit and welfare plan" means a plan offered to the covered employees of a professional employer organization registered pursuant to the Tennessee Professional Employer Organization Act, compiled in title 62, chapter 43 and as amended.

**56-56-102.** A professional employer organization may sponsor and maintain employee benefit and welfare plans in accordance with § 62-43-108(c), for the benefit of covered employees. The self-insured plans developed under this section are not subject to the premium taxes imposed by this title. The department may promulgate rules regulating self-insured plans under this section.

**SECTION 3.** This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Haynes moved that **Senate Bill No. 2633**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes.....	1
Present and not voting.....	1

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 88

Representatives voting no were: Bass -- 1

Representatives present and not voting were: Powers -- 1

A motion to reconsider was tabled.

**House Bill No. 2911** -- State Government - As introduced, authorizes the state building commission to allocate energy efficient commercial building tax deductions from the IRS to persons designing such buildings. - Amends TCA Title 4, Chapter 15 and Title 12, Chapter 3. by \*Haynes. (\*SB2735 by \*Johnson)

Further consideration of House Bill No. 2911 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 2911 was made to conform with **Senate Bill No. 2735**; the Senate Bill was substituted for the House Bill.

Rep. Haynes moved that Senate Bill No. 2735 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Haynes moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2735 By deleting in the second sentence of Section 1 the language "may" and by substituting instead the language "shall".

AND FURTHER AMEND by adding the following language to the end of the amendatory language of Section 1:

If the property is financed with bonds issued by the state of Tennessee, no energy efficient commercial building tax deduction shall be awarded without approval of bond counsel.

On motion, Amendment No. 2 was adopted.

Rep. Haynes moved that **Senate Bill No. 2735**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 89  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*House Bill No. 2987** -- Alcoholic Beverages - As introduced, removes obsolete provisions; creates license for military personnel living abroad to ship wine to this state. - Amends TCA Section 57-1-111; Title 57, Chapter 3; Section 57-2-101; Section 57-4-101 and Section 57-4-203. by \*Haynes. (SB2845 by \*Yager, \*Ford)

Further consideration of House Bill No. 2987 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 2987 was made to conform with **Senate Bill No. 2845**; the Senate Bill was substituted for the House Bill.

Rep. Haynes moved that Senate Bill No. 2845 be passed on third and final consideration.

Rep. K. Williams moved the previous question, which motion prevailed.

Rep. Haynes moved that **Senate Bill No. 2845** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	68
Noes.....	11
Present and not voting.....	9

Representatives voting aye were: Armstrong, Bass, Brooks H, Brown, Casada, Coley, Curtiss, DeBerry L, Dennis, Elam, Eldridge, Faison, Favors, Fitzhugh, Forgety, Gilmore, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McManus, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, Williams K, Williams R, Wirgau, Womick -- 68

Representatives voting no were: Cobb, DeBerry J, Dunn, Floyd, Hill, Holt, Lollar, Matlock, Miller D, White, Windle -- 11

Representatives present and not voting were: Alexander, Butt, Campbell, Dean, Evans, Gotto, McDonald, Pody, Powers -- 9

A motion to reconsider was tabled.

**JOURNAL CORRECTION**

Without objection, the Speaker requested that the Journal reflect that Rep. M. Turner voted "aye" on **Senate Bill No. 2845**.

**REGULAR CALENDAR NO. 2, CONTINUED**

**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

**\*House Bill No. 3526** -- Public Officials - As introduced, revises provisions governing bonds required of certain public officials. - Amends TCA Title 5; Title 6; Title 7; Title 8; Title 9; Title 13; Title 18; Title 49; Title 54 and Title 67. by \*Haynes. (SB3330 by \*Ketron)

Further consideration of House Bill No. 3526 previously considered on April 24, 2012, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 3526 was made to conform with **Senate Bill No. 3330**; the Senate Bill was substituted for the House Bill.

Rep. Haynes moved that Senate Bill No. 3330 be passed on third and final consideration.

Rep. Ramsey moved that State and Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Haynes moved that **Senate Bill No. 3330** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	88
Noes.....	3

Representatives voting aye were: Alexander, Armstrong, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 88

Representatives voting no were: Bass, Tidwell, Windle -- 3

A motion to reconsider was tabled.

**\*House Bill No. 3527** -- Taxes, Real Property - As introduced, allows notice by delivery service alternatives to certified or registered mail, return receipt requested as authorized by federal law in regard to notice to a taxpayer of a tax lien suit. - Amends TCA Title 67, Chapter 5. by \*Haynes. (SB3596 by \*Watson, \*Finney L)

Further consideration of House Bill No. 3527 previously considered on April 24, 2012, at which time the it was reset for today's Regular Calendar.

On motion, House Bill No. 3527 was made to conform with **Senate Bill No. 3596**; the Senate Bill was substituted for the House Bill.

Rep. Haynes moved that **Senate Bill No. 3596** be passed on third and final consideration, which motion prevailed by the following vote:

5579

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**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Ayes ..... 90  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 90

A motion to reconsider was tabled.

**JOURNAL CORRECTION**

Without objection, the Speaker requested that the Journal reflect that Reps. Hardaway and Parkinson voted “aye” on **Senate Bill No. 3596**.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 3068** -- Criminal Procedure - As introduced, authorizes the county legislative body to set the fee for participation in the litter removal program by first-time DUI offenders and permits the judge to find a person indigent for purposes of paying that fee. - Amends TCA Section 55-10-403. by \*DeBerry J. (SB3513 by \*Tate)

Further consideration of House Bill No. 3068 previously considered on April 24, 2012, at which time it was reset for today’s Regular Calendar.

On motion, House Bill No. 3068 was made to conform with **Senate Bill No. 3513**; the Senate Bill was substituted for the House Bill.

Rep. J. DeBerry moved that **Senate Bill No. 3513** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 87  
Noes..... 1  
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sexton, Shaw, Shepard, Shipley,

5580

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**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 87

Representatives voting no were: Brown -- 1

Representatives present and not voting were: Favors -- 1

A motion to reconsider was tabled.

**\*House Bill No. 2626** -- DNA and Genetic Testing - As introduced, adds five homicide offenses to the list of violent offenses for which a DNA sample is taken and stored in the database upon arrest rather than conviction. - Amends TCA Title 40, Chapter 35, Part 3. by \*DeBerry J. (SB2667 by \*Marrero, \*Ketron, \*Burks, \*Ramsey)

On motion, House Bill No. 2626 was made to conform with **Senate Bill No. 2667**; the Senate Bill was substituted for the House Bill.

Rep. J. DeBerry moved that **Senate Bill No. 2667** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	89
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

Representatives present and not voting were: Brown, Favors -- 2

A motion to reconsider was tabled.

**\*House Bill No. 2613** -- Education, Higher - As introduced, requires public postsecondary institutions, under certain conditions, to accept for credit any dual credit course developed by another public postsecondary institution in collaboration with a high school. - Amends TCA Title 49. by \*Brooks H, \*McCormick, \*Naifeh, \*DeBerry L, \*Fitzhugh, \*Montgomery, \*Powers, \*Dunn, \*Brooks K, \*Hensley. (SB2809 by \*Tracy, \*Marrero, \*Stewart)

On motion, House Bill No. 2613 was made to conform with **Senate Bill No. 2809**; the Senate Bill was substituted for the House Bill.

Rep. H. Brooks moved that Senate Bill No. 2809 be passed on third and final consideration.

5581

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**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Rep. Montgomery moved that Education Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. H. Brooks moved that **Senate Bill No. 2809** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 93  
Noes ..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 93

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3835; The Senate refused to recede in Senate Amendment(s) No(s). 18, 4, 5, 6 and 7.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE CALENDAR NO. 2**

**HOUSE ACTION ON SENATE MESSAGES**

**\*House Bill No. 3835** -- Appropriations - As introduced, makes appropriations for fiscal years beginning July 1, 2011, and July 1, 2012. by \*Sargent, \*McCormick. (SB3768 by \*Norris)

Rep. Sargent moved that the House refuse to recede from its action in nonconcurring Senate Amendment(s) No(s). 18, 4, 5, 6 and 7 to **House Bill No. 3835**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED**  
**ON HOUSE BILL NO. 3835**

Pursuant to **Rule No. 73**, Representative Sargent moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 3835, which motion prevailed.

**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

The Speaker appointed Representatives Sargent, Harrison, Alexander, McCormick, M. Turner and Fitzhugh as the House members of the Conference Committee on House Bill No. 3835.

**MESSAGE FROM THE SENATE**  
**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3839; The Senate refused to recede in Senate Amendment(s) No(s). 2 and 3.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE CALENDAR NO. 2, CONTINUED**

**HOUSE ACTION ON SENATE MESSAGES**

**\*House Bill No. 3839** -- Public Funds and Financing - As introduced, specifies that provision whereby a supplement must be provided by the state each year to counties for the improvement of juvenile court services is contingent upon funding; removes Taft Youth Center in provision regarding appointment of dentist to provide service at certain institutions. - Amends TCA Title 4; Title 5; Title 6; Title 8; Title 9; Title 10; Title 11; Title 12; Title 13; Title 16; Title 17; Title 18; Title 29; Title 33; Title 37; Title 38; Title 39; Title 40; Title 41; Title 43; Title 45; Title 47; Title 48; Title 49; Title 50; Title 53; Title 54; Title 55; Title 56; Title 57; Title 58; Title 59; Title 60; Title 62; Title 63; Title 64; Title 65; Title 66; Title 67; Title 68; Title 69; Title 70 and Title 7. by \*Sargent, \*McCormick. (SB3771 by \*Norris)

Rep. Sargent moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 3839**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED**  
**ON HOUSE BILL NO. 3839**

Pursuant to **Rule No. 73**, Representative Sargent moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 3839, which motion prevailed.

The Speaker appointed Representatives Sargent, Harrison, Alexander, McCormick, M. Turner and Fitzhugh as the House members of the Conference Committee on House Bill No. 3839.

**MESSAGE CALENDAR**

**HOUSE ACTION ON SENATE AMENDMENTS**

5583

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**\*House Bill No. 1075** -- County Government - As introduced, authorizes creation of design review commissions by county legislative bodies. - Amends TCA Title 5, Chapter 1, Part 1. by \*Maggart, \*McCormick\*Ramsey, \*McDonald. (SB1716 by \*Yager)

**Senate Amendment No. 1**

AMEND House Bill No. 1075 By adding the following language as subsection (g) at the end of the amendatory language in Section 1 of the bill:

(g) Nothing in this section shall be construed to apply to "outdoor advertising" as defined in § 54-21-102.

Rep. Maggart moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1075**, which motion prevailed by the following vote:

Ayes ..... 88  
Noes..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Todd, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Madam Speaker Harwell -- 88

Representatives voting no were: Naifeh -- 1

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 1105** -- Education - As introduced, requires an LEA revising its policy prohibiting harassment, intimidation, or bullying, which was filed with the commissioner of education, to transmit the revised policy to the commissioner. - Amends TCA Title 49. by \*Montgomery, \*Maggart, \*Todd. (SB1923 by \*Gresham)

**CONFERENCE COMMITTEE REPORT  
ON HOUSE BILL NO. 1105**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1105 / Senate Bill No. 1923 has met and recommends that the following amendment be deleted: Senate Amendment 2 (SA1086).

The Committee further recommends that the following amendment be adopted: House Amendment 1 (HA0964).

The Committee further recommends that the following amendment be adopted:

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) If a municipality is located within any county in which a transition planning commission has been created pursuant to § 49-2-502(b); and if the municipality is authorized by its charter, as set forth by statute or private act, to operate a city school system; and if the proposed city school system would possess a student population of sufficient size to comply with state requirements; then the governing body of the municipality may request the county election commission to conduct a referendum pursuant to § 49-2-106; however, if a special election is requested, then the municipality shall pay the costs of the election.

(b) If a majority of the voters participating in the referendum elect to raise local funds to support the proposed city school system, then the governing body of the municipality shall, by ordinance, establish a city board of education in compliance with § 49-2-201; however, there shall be not less than three (3) nor more than eleven (11) members, and the members may be elected in the same manner, either from districts or at large, or a combination of both, used to elect members of the governing body of the municipality. In order to comply with the § 49-2-201 requirement for staggered four-year terms, the governing body of the municipality shall establish initial terms that vary in length; however, all subsequently elected members, other than members elected to fill a vacancy, shall be elected to four-year terms. If a special election is requested to elect members of the initial board of education, then the municipality shall pay the costs of the election. The members shall take office on the first day of the first month following certification of the election results.

(c) The initial board of education shall plan and manage the formation of the new city school system and, subsequently, shall manage and operate the system when student instruction commences. The board shall possess all powers and duties granted to or required of boards of education as set forth by § 49-2-203 or other statute, including, but not limited to, employment of a full-time director of schools and other personnel; and construction, acquisition, lease, or modification of buildings and facilities.

(d) Upon the commissioner's determination of the new city school system's general readiness to commence student instruction, city schools shall open between August 1 and the first Monday following Labor Day; however, in no event shall the city schools open prior to the effective date of the transfer of the administration of the schools in the special school district to the county board of education pursuant to § 49-2-502(b).

/s/ Senator Dolores Gresham  
/s/ Senator Reginald Tate  
/s/ Senator Mark Norris

/s/ Representative Gerald McCormick  
/s/ Representative Richard Montgomery  
/s/ Representative Antonio Parkinson

Rep. Montgomery moved that the Report of the Conference Committee on House Bill No. 1105 be adopted and made the action of the House.

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Rep. Montgomery requested that House Bill No. 1105 be moved to the heel of the Message Calendar.

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 1171** -- Alcoholic Beverages - As introduced, revises residency requirements to obtain a retailer's license from being a resident for one instead of two years preceding the issuance of the license or for at least five instead of 10 consecutive years; removes these requirements if the next of kin takes over the license following the death of a retail license holder. - Amends TCA Title 57. by \*Haynes. (SB1038 by \*Ketron)

#### Senate Amendment No. 3

AMEND House Bill No. 1171 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 57-4-102(14), is amended by adding the following language as a new, appropriately designated subdivision:

( ) "Convention center" also means a facility possessing each of the following characteristics:

(i) Is owned by a quasi-governmental development agency;

(ii) Is designed and used for the purposes of attracting conventions, business travelers and tourists to the area and is vital in promoting economic development, fostering community activities, providing training and seminar space for business and industries and in encouraging tourism;

(iii) Is available for community, industry and private events;

(iv) Is the only one of its kind in the area;

(v) Has a seating capacity of approximately three hundred (300) and is fully equipped with tables, chairs, linens, dishware and a catering kitchen;

(vi) Occupies an area of approximately eighty-five hundred square feet (8,500) on acreage surrounding Tellico Lake; and

(vii) Is located in any county having a population of not less than forty-four thousand five hundred (44,500) nor more than forty-four thousand six hundred (44,600) according to the 2010 federal census or any subsequent federal census.

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 57-4-102(26), is amended by deleting subdivision (EE) in its entirety.

Rep. Haynes moved that the House concur in Senate Amendment(s) No(s). 3 to House Bill No. 1171.

Rep. K. Williams moved the previous question, which motion prevailed.

Rep. Haynes moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 1171**, which motion prevailed by the following vote:

Ayes ..... 61  
Noes..... 22  
Present and not voting..... 5

Representatives voting aye were: Armstrong, Bass, Carr, Casada, Coley, DeBerry L, Dennis, Elam, Eldridge, Favors, Fitzhugh, Forgety, Gilmore, Halford, Hall, Harrison, Hawk, Haynes, Johnson C, Johnson P, Jones, Keisling, Kernell, Lundberg, Maggart, Marsh, Matheny, McDaniel, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Parkinson, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 61

Representatives voting no were: Alexander, Brooks H, Brooks K, Campbell, Cobb, Curtiss, Dean, DeBerry J, Dunn, Floyd, Gotto, Hardaway, Hensley, Hill, Holt, Hurley, Matlock, McDonald, Moore, Pitts, Roach, Windle -- 22

Representatives present and not voting were: Evans, McCormick, Pody, Powers, Sparks -- 5

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2344** -- Economic and Community Development - As introduced, clarifies purposes of FastTrack programs; requires certain reports be submitted to secretary of state; revises other provisions governing The Tennessee Job Growth Act of 2005. - Amends TCA Section 4-3-715; Section 4-3-716 and Section 4-3-717. by \*McCormick, \*Wirgau, \*Hardaway, \*Sargent, \*Williams K, \*Casada, \*Powers, \*Eldridge, \*Ragan, \*Swann, \*Brooks K, \*Matlock, \*Maggart, \*Hurley, \*Parkinson, \*Sexton, \*Faison, \*Hensley, \*White, \*Shipley, \*Halford, \*Forgety, \*Williams R, \*Rich, \*Dean, \*Holt, \*Miller D, \*Coley, \*Dunn, \*Miller L, \*Sanderson, \*Brooks H, \*Lollar, \*Butt, \*Camper, \*Alexander, \*Sparks, \*Hawk, \*Harrison, \*McDaniel, \*Montgomery, \*Marsh, \*Cobb, \*Armstrong, \*Shepard, \*Fitzhugh, \*Turner J, \*Towns. (SB2206 by \*Norris, \*Gresham, \*Massey)

### Senate Amendment No. 3

AMEND House Bill No. 2344 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 4-3-717, is amended by adding the following as a new subsection thereto:

(g) Notwithstanding any other provision of law to the contrary, the department shall post the following information on its web site at least quarterly:

(1) The name of the company or entity receiving FastTrack funds;

(2) The amount of the FastTrack funds received;

(3) The number of jobs to be created by a project funded by FastTrack funds; and

(4) The location of a project funded by FastTrack funds.

Rep. Wirgau moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 2344**, which motion prevailed by the following vote:

Ayes ..... 92  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2633** -- Clerks, Court - As introduced, increases by \$2.00 the filing fee charged by clerks and data fee entry chargeable by clerks, except in certain cases brought by the state and state agencies. - Amends TCA Section 8-21-401 and Section 8-21-409. by \*Lundberg. (SB2853 by \*Yager)

#### Senate Amendment No. 1

AMEND House Bill No. 2633 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The two-dollar (\$2.00) increases implemented by this act shall terminate on July 1, 2016, unless continued by the general assembly. If the

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two-dollar (\$2.00) increases are not continued by the general assembly, the provisions of Tennessee Code Annotated, Sections 8-21-401(j) and 8-21-409(d), that existed immediately prior to the enactment of this act shall be revived and shall be in effect as they existed immediately prior to July 1, 2012.

Rep. Lundberg moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2633**, which motion prevailed by the following vote:

Ayes .....	82
Noes.....	6
Present and not voting.....	1

Representatives voting aye were: Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hardaway, Harrison, Hawk, Hensley, Hill, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Parkinson, Pitts, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 82

Representatives voting no were: Alexander, Elam, Hall, Haynes, Holt, Pody -- 6

Representatives present and not voting were: Powers -- 1

A motion to reconsider was tabled.

### **REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "aye" to "no" on **House Bill No. 2633** and have this statement entered in the Journal: Rep(s). Butt.

### **MESSAGE CALENDAR NO. 2, CONTINUED**

#### **HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2847** -- Child Custody and Support - As introduced, creates a rebuttable presumption that awarding sole custody, joint legal or joint physical custody or unsupervised visitation to the perpetrator of child abuse or child sexual abuse is not in the best interest of the child. - Amends TCA Title 36; Title 37; Title 39, Chapter 13; Title 39, Chapter 15 and Title 39, Chapter 17. by \*Sargent, \*Maggart. (SB2741 by \*Johnson, \*Burks)

#### **Senate Amendment No. 1**

AMEND House Bill No. 2847 by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-1-113(b), is amended by adding the following new language after the first sentence:

The child's parent, pursuant to subdivision (g)(11), shall also have standing to file a petition pursuant to this part or title 37 to terminate parental or guardianship rights of a person alleged to be a parent or guardian of the child.

SECTION 2. Tennessee Code Annotated, Section 36-1-113, is further amended by adding the following new subdivision to subsection (g):

(11)

(A) The parent has been found to have committed severe child sexual abuse under any prior order of a criminal court. For the purposes of this section, severe child sexual abuse means the parent is convicted of any of the following offenses towards a child:

- (i) Aggravated rape, pursuant to § 39-13-502;
- (ii) Aggravated sexual battery, pursuant to § 39-13-504;
- (iii) Aggravated sexual exploitation of a minor, pursuant to § 39-17-1004;
- (iv) Especially aggravated sexual exploitation of a minor, pursuant to § 39-17-1005;
- (v) Incest, pursuant to § 39-15-302;
- (vi) Rape, pursuant to § 39-13-503; or
- (vii) Rape of a child, pursuant to § 39-13-522.

(B) When one (1) of the child's parents has been convicted of one (1) of the offenses specified in subdivision (g)(11)(A), the child's other parent shall have standing to file a petition to terminate the parental rights of the abusive parent. Nothing in this section shall give a parent standing to file a petition to terminate parental rights based on grounds other than those listed in this subdivision (g)(11).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

**Senate Amendment No. 2**

AMEND House Bill No. 2847 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION 3. The court shall notify the petitioning parent that the duty of future child support by the parent who is the subject of the termination petition will be forever terminated by entry of an order terminating parental rights.

Rep. Sargent moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2847**, which motion prevailed by the following vote:

Ayes ..... 89  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McDaniel, McDonald, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 2982** -- Judgments - As introduced, changes the standard interest rate on judgments from 10 percent to the federal reserve weekly average prime loan rate, so long as such rate does not exceed 10 percent. - Amends TCA Title 47. by \*Dennis, \*Hardaway. (\*SB2705 by \*Kelsey)

Rep. Dennis moved that House Bill No. 2982 be reset for the Message Calendar on April 30, 2012, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2994** -- Education - As introduced, establishes a four-year parental involvement pilot program in the achievement school district. - Amends TCA Title 49. by \*Parkinson, \*Hardaway, \*Harmon. (SB2893 by \*Kelsey)

#### Senate Amendment No. 1

AMEND House Bill No. 2994 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 70, is amended by adding the following language as new sections:

49-6-7004. The department of education shall establish in the school system with the most schools in the achievement school district (ASD) a four-year pilot program to increase parent involvement in schools

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as set forth in §§ 49-6-7005 - 49-6-7007. The pilot program shall begin with the 2012-2013 school year and shall be limited to schools operated by the ASD that serve grades K-3 or any combination thereof. The office of research and education accountability shall study the ASD.

49-6-7005. As used in §§ 49-6-7004 - 49-6-7007, unless the context requires otherwise, "parent":

(1) Means a parent whose parental rights have not been terminated, or a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of a child; and

(2) Does not mean a guardian ad litem or the state; and

49-6-7006. Any current information packets, forms, videos or other means used for sharing information with a parent by a school in the achievement school district that is in the pilot program under § 49-6-7004 shall include the following information:

(1) Expectations of parents concerning their responses to requests for meetings and communications from the school or teachers;

(2) Expectations of parents concerning their children's academic work, including time set aside for daily homework and reading, nightly checks of homework completion and preparation for tests, early preparation of assigned school projects, signatures on required forms, and checks of the contents of their children's school backpacks;

(3) Expectations of parents concerning their children's physical readiness for school, including provision for adequate night-time sleep, necessary school supplies, meals, and immunizations and medical care; provided, that necessary school supplies may be obtained through various organizations and meals may be obtained through the school's free or reduced-priced meal program if certain qualifications are met; and

(4) Expectations of parents concerning their children's school attendance.

49-6-7007.

(a) Schools in the pilot project shall issue to parents whose children are in grades kindergarten through three (K-3) blank parent involvement report cards, when the children are given their report cards.

(b) Each parent whose child is in the pilot project shall self-evaluate the parent's involvement in the child's education and

assign to himself or herself a grade of excellent, satisfactory, needs improvement or unsatisfactory on each of the following:

(1) The parent's response to requests by the school or the child's teachers for meetings or communication;

(2) The parent's efforts in ensuring that the child completed homework assignments, was prepared for tests and otherwise was academically ready to learn;

(3) The parent's efforts in ensuring the child's physical preparation for school; and

(4) The parent's efforts in ensuring the child was on time for school and was absent only when excused.

(c) The report card shall also contain space in which the parent can report in writing on other efforts by the parent to be involved in the parent's child's education and to express the means by which the parent intends to address areas that the parent has evaluated as less than satisfactory or to ask for help in improving the parent's involvement.

(d) The achievement school district and the schools in the pilot project shall create appropriate incentives to encourage parents to self-evaluate and return the parent involvement report cards to the schools.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

### Senate Amendment No. 2

AMEND House Bill No. 2994 By deleting the language "; and" at the end of subdivision (2) of 49-6-7005 in Section 1 and by substituting instead the punctuation ".".

Rep. Parkinson moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2994**, which motion prevailed by the following vote:

Ayes ..... 91  
Noes ..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Todd,

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Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

### **REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from “not voting” to “aye” on motion to concur in Senate Amendment(s) No(s). 1 and 2 to **Senate Bill No. 2994** and have this statement entered in the Journal: Rep(s). Tidwell.

### **MESSAGE CALENDAR, CONTINUED**

#### **HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 3124** -- Civil Procedure - As introduced, removes judicial discretion to apportion costs and permits recovery of certain litigation costs by the successful party on motions to dismiss. - Amends TCA Title 20; Title 25; Title 27 and Title 29. by \*Dennis, \*Hurley. (\*SB2638 by \*Johnson, \*Ketron)

#### **Senate Amendment No. 2**

AMEND House Bill No. 3124 By deleting Section 2 of the bill as amended and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2012 and shall apply to causes of action arising on and after that date, the public welfare requiring it.

#### **Senate Amendment No. 3**

AMEND House Bill No. 3124 By deleting Section 2 of the bill as amended and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2012 and shall apply to causes of action filed on and after that date, the public welfare requiring it.

#### **Senate Amendment No. 4**

AMEND House Bill No. 3124 By deleting Section 2 of the bill as amended and by substituting instead the following:

SECTION 2. This act shall take effect July 1, 2012 and shall apply to claims filed on and after that date, the public welfare requiring it.

**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Rep. Dennis moved that the House concur in Senate Amendment(s) No(s). 2, 3 and 4 to **House Bill No. 3124**, which motion prevailed by the following vote:

Ayes ..... 78  
Noes..... 10  
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Montgomery, Niceley, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 78

Representatives voting no were: Camper, Hardaway, Miller L, Moore, Parkinson, Richardson, Shaw, Sontany, Turner M, Windle -- 10

Representatives present and not voting were: Kernell -- 1

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 3218** -- Fines and Penalties - As introduced, requires person who pleads guilty to offense of reckless driving or reckless endangerment where the originally charged offense is DUI to pay fine from within the same range as first offense DUI fine. - Amends TCA Title 39 and Title 55. by \*Gotto, \*Eldridge. (\*SB2773 by \*Beavers, \*Henry, \*Burks)

**Senate Amendment No. 1**

AMEND House Bill No. 3218 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-10-205, is amended by deleting subsection (d) and substituting instead the following:

(d)

(1) A violation of this section is a Class B misdemeanor.

(2) In addition to the penalty authorized by this subdivision (d)(1), the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in § 55-10-451 and distributed as provided in § 55-10-452.

SECTION 2. Tennessee Code Annotated, Section 39-13-103(b), is amended by adding the following new subdivision:

(4) In addition to the penalty authorized by this subsection, the court shall assess a fine of fifty dollars (\$50.00) to be collected as provided in § 55-10-451 and distributed as provided in § 55-10-452.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

Rep. Gotto moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3218**, which motion prevailed by the following vote:

Ayes ..... 77  
Noes..... 9

Representatives voting aye were: Alexander, Bass, Brooks H, Brooks K, Campbell, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hardaway, Harrison, Hawk, Hill, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Roach, Sanderson, Sargent, Sexton, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner M, Weaver, White, Williams K, Williams R, Wirgau, Wornick, Madam Speaker Harwell -- 77

Representatives voting no were: Armstrong, Brown, Favors, Hall, Haynes, Hensley, Holt, Shaw, Windle -- 9

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 3263** -- Agriculture - As introduced, revises various provisions of the Agriculture Commodities Promotion Act, including provisions requiring certain reports by purchasers and provisions governing the membership of the beef promotion board. - Amends TCA Title 43, Chapter 29, Part 1. by \*Halford. (\*SB3027 by \*Gresham)

#### Senate Amendment No. 2

AMEND House Bill No. 3263 by deleting Section 3 and by substituting instead the following:

SECTION 3. Tennessee Code Annotated, Section 43-29-118, is amended by deleting the section in its entirety and by substituting instead the following:

43-29-118.

(a) The Tennessee beef promotion board shall be composed of twelve (12) members, to be appointed by the commissioner as provided in this section.



(b) All twelve (12) members of the board shall be producers of beef animals or representatives of the beef industry in the state. The members of the Tennessee beef promotion board shall be the members of the board of directors of the Tennessee beef industry council, certified under 7 CFR 1260.315. Vacancies that occur shall be filled by the commissioner from individuals nominated by the organizations that are represented on the board of directors of the Tennessee beef council and in the same representation ratios.

(c) The commissioner or the commissioner's designee shall be an ex officio nonvoting member of the board.

Rep. Halford moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 3263**, which motion prevailed by the following vote:

Ayes ..... 89  
Noes ..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 89

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "aye" to "no" on the motion to concur in Senate Amendment(s) No(s). 2, 3 and 4 to **House Bill No. 3124** and have this statement entered in the Journal: Rep(s). McDonald and Stewart.

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from "not voting" to "no" on the motion to concur in Senate Amendment(s) No(s). 2, 3 and 4 to **House Bill No. 3124** and have this statement entered in the Journal: Rep(s). Kernell.

#### MESSAGE CALENDAR, CONTINUED

#### HOUSE ACTION ON SENATE AMENDMENTS

**Senate Bill No. 3382** -- Local Education Agencies - As introduced, provides for re-establishment of elected office of school superintendent for county or city school systems upon two-thirds vote of county or city governing body and approval in an election on the question by the voters; provides for qualifications of candidates; adjusts duties of the local board of

education in county or city school systems electing superintendents. - Amends TCA Title 49. by \*Bell. (\*HB3552 by \*Cobb, \*Rich)

**BILL HELD ON DESK**

Rep. Cobb moved that Senate Bill No. 3382 be held on the Clerk's desk, which motion prevailed.

**MESSAGE CALENDAR, CONTINUED**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 3431** -- Unemployment Compensation - As introduced, enacts the "Unemployment Insurance Accountability Act of 2012." - Amends TCA Title 50. by \*Matlock, \*Sexton, \*Sanderson, \*Brooks H, \*Watson, \*Weaver, \*Lollar, \*Hall, \*Marsh, \*Butt, \*McCormick, \*Shipley, \*Haynes, \*Wirgau, \*Halford, \*Sparks, \*Holt, \*Powers, \*White, \*Williams R, \*Evans, \*Brooks K, \*Dean, \*Miller D, \*Gotto, \*Eldridge, \*Maggart, \*Hensley, \*Ragan, \*Hurley, \*Floyd, \*Faison, \*Swann, \*Matheny, \*Coley, \*Rich, \*Roach, \*Elam, \*McManus, \*Lundberg, \*Pody, \*Womick. (SB3658 by \*Johnson, \*Ramsey, \*Watson, \*Ketron, \*Bell)

**Senate Amendment No. 3**

AMEND House Bill No. 3431 By deleting subdivisions (11) and (12) in SECTION 6 of the bill and substituting instead the following:

(11) For any week with respect to which the claimant is receiving, or has received, remuneration in the form of wages in lieu of notice unless the claimant's employer has filed notice pursuant to § 50-1-602 as of July 1, 2012;

(12) If the claimant received a severance package from an employer that includes an equivalent amount of salary the employee would have received if the employee was working during that week unless the claimant's employer has filed notice pursuant to § 50-1-602 as of July 1, 2012;

Rep. Matlock moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 3431**, which motion prevailed by the following vote:

Ayes ..... 75

5598

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**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Noes..... 12  
Present and not voting..... 1

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Butt, Campbell, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Fitzhugh, Floyd, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Naifeh, Niceley, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sparks, Swann, Tidwell, Todd, Weaver, White, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 75

Representatives voting no were: Brown, Favors, Gilmore, Hardaway, Moore, Parkinson, Richardson, Sontany, Stewart, Towns, Turner J, Turner M -- 12

Representatives present and not voting were: Camper -- 1

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 3665** -- Education, Higher - As introduced, eliminates certain reporting duties of higher education institutions and governing boards; eliminates requirement that applicants for certain positions in residence halls pay for background checks; requires board of regents employees to receive longevity payments with their regular paychecks. - Amends TCA Section 4-22-103; Section 8-23-206; Section 8-44-108(b)(3) and Section 49-7-149. by \*Fitzhugh. (\*SB3022 by \*Gresham, \*Ketron)

**Senate Amendment No. 1**

AMEND House Bill No. 3665 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall be implemented within the existing resources of the higher education systems.

Rep. Fitzhugh moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3665**, which motion prevailed by the following vote:

Ayes ..... 91  
Noes..... 0

Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent,

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Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 91

A motion to reconsider was tabled.

### **HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 1105** -- Education - As introduced, requires an LEA revising its policy prohibiting harassment, intimidation, or bullying, which was filed with the commissioner of education, to transmit the revised policy to the commissioner. - Amends TCA Title 49. by \*Montgomery, \*Maggart, \*Todd. (SB1923 by \*Gresham)

### **CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 1105**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1105 / Senate Bill No. 1923 has met and recommends that the following amendment be deleted: Senate Amendment 2 (SA1086).

The Committee further recommends that the following amendment be adopted: House Amendment 1 (HA0964).

The Committee further recommends that the following amendment be adopted:

by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) If a municipality is located within any county in which a transition planning commission has been created pursuant to § 49-2-502(b); and if the municipality is authorized by its charter, as set forth by statute or private act, to operate a city school system; and if the proposed city school system would possess a student population of sufficient size to comply with state requirements; then the governing body of the municipality may request the county election commission to conduct a referendum pursuant to § 49-2-106; however, if a special election is requested, then the municipality shall pay the costs of the election.

(b) If a majority of the voters participating in the referendum elect to raise local funds to support the proposed city school system, then the governing body of the municipality shall, by ordinance, establish a city board of education in compliance with § 49-2-201; however, there shall be not less than three (3) nor more than eleven (11) members, and the members may be elected in the same manner, either from districts or at large, or a combination of both, used to elect members of the governing body of the municipality. In order to comply with the § 49-2-201 requirement for staggered four-year terms, the governing body of the municipality shall establish initial terms that vary in length; however, all subsequently elected members, other than members elected to fill a vacancy, shall be elected to four-year terms. If a special election is requested to elect members of the initial board of education, then the municipality shall pay the costs of the

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election. The members shall take office on the first day of the first month following certification of the election results.

(c) The initial board of education shall plan and manage the formation of the new city school system and, subsequently, shall manage and operate the system when student instruction commences. The board shall possess all powers and duties granted to or required of boards of education as set forth by § 49-2-203 or other statute, including, but not limited to, employment of a full-time director of schools and other personnel; and construction, acquisition, lease, or modification of buildings and facilities.

(d) Upon the commissioner's determination of the new city school system's general readiness to commence student instruction, city schools shall open between August 1 and the first Monday following Labor Day; however, in no event shall the city schools open prior to the effective date of the transfer of the administration of the schools in the special school district to the county board of education pursuant to § 49-2-502(b).

/s/ Senator Dolores Gresham

/s/ Representative Gerald McCormick

/s/ Senator Reginald Tate

/s/ Representative Richard Montgomery

/s/ Senator Mark Norris

/s/ Representative Antonio Parkinson

Rep. Montgomery moved that the Report of the Conference Committee on House Bill No. 1105 be adopted and made the action of the House.

Rep. Sargent moved the previous question, which motion was immediately withdrawn.

Pursuant to **Rule No. 21**, Rep. Sargent moved that a limit of debate on House Bill No. 1105 of 5 minutes be set, which motion prevailed by the following vote:

Ayes ..... 61

Noes ..... 17

Representatives voting aye were: Alexander, Brooks H, Brooks K, Brown, Butt, Campbell, Carr, Casada, Cobb, Coley, Dean, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, McDaniel, McManus, Miller D, Montgomery, Moore, Niceley, Pody, Powers, Ragan, Ramsey, Rich, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Todd, Weaver, White, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 61

Representatives voting no were: Armstrong, Bass, DeBerry J, Gilmore, Hardaway, Kernell, McDonald, Miller L, Parkinson, Pitts, Richardson, Shepard, Sontany, Stewart, Tidwell, Towns, Turner M -- 17

After further debate, Rep. L. DeBerry moved the previous question, which motion prevailed.

Rep. Montgomery moved that the Report of the Conference Committee on **House Bill No. 1105** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes ..... 61

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**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

Noes..... 25  
Present and not voting..... 2

Representatives voting aye were: Bass, Brooks H, Brooks K, Campbell, Carr, Casada, Cobb, Coley, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Floyd, Forgety, Gotto, Halford, Hall, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Keisling, Lollar, Lundberg, Maggart, Marsh, Matheny, McCormick, McDaniel, McManus, Miller D, Montgomery, Niceley, Parkinson, Pody, Powers, Ragan, Ramsey, Rich, Sanderson, Sargent, Sexton, Shipley, Sparks, Swann, Tidwell, Todd, Weaver, White, Williams K, Williams R, Wirgau, Womick, Madam Speaker Harwell -- 61

Representatives voting no were: Armstrong, Brown, Camper, Curtiss, DeBerry J, DeBerry L, Favors, Fitzhugh, Hardaway, Jones, Kernell, McDonald, Miller L, Moore, Naifeh, Pitts, Richardson, Shaw, Shepard, Sontany, Stewart, Towns, Turner J, Turner M, Windle -- 25

Representatives present and not voting were: Alexander, Dean -- 2

A motion to reconsider was tabled.

**CONSENT CALENDAR NO. 2**

**House Resolution No. 301** -- Memorials, Retirement - Oakdale Mayor Vic Jeffers. by \*Windle.

**House Resolution No. 302** -- Memorials, Interns - Joseph Michael Hodge. by \*Coley.

**House Resolution No. 303** -- Memorials, Recognition - International Storytelling Center. by \*Hill, \*Ford.

**House Resolution No. 304** -- Memorials, Retirement - Bill McPheeters. by \*Cobb .

**House Joint Resolution No. 1141** -- Memorials, Academic Achievement - Kaitlin Carter, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1143** -- Memorials, Recognition - SSG LaWanda Lollar, Tennessee National Guard. by \*Camper.

**House Joint Resolution No. 1144** -- Memorials, Academic Achievement - Emily Marsh, Valedictorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1145** -- Memorials, Academic Achievement - Ashton Daniel, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1146** -- Memorials, Academic Achievement - Amy Fottrell, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1147** -- Memorials, Academic Achievement - Shelbi Bertsch, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**FRIDAY, APRIL 27, 2012 – EIGHTY-FIRST LEGISLATIVE DAY UNOFFICIAL VERSION**

**House Joint Resolution No. 1148** -- Memorials, Academic Achievement - Mara Thompson, Salutatorian, Merrol Hyde Magnet School. by \*McDonald.

**House Joint Resolution No. 1150** -- Memorials, Academic Achievement - Derquazia Smartt, Valedictorian, Howard School of Academics and Technology. by \*Brown.

**House Joint Resolution No. 1151** -- Memorials, Interns - Daniel Raphael Patterson. by \*Brown.

**House Joint Resolution No. 1152** -- Memorials, Death - Hunter Lane, Jr. by \*Richardson, \*Camper, \*Coley, \*Todd, \*Lollar, \*Turner J, \*Hardaway, \*Parkinson, \*DeBerry L, \*Kernell, \*Miller L, \*DeBerry J, \*McManus, \*White, \*Towns.

**House Joint Resolution No. 1153** -- Memorials, Recognition - Rhodes College and Cypress Middle School students featured in documentary "Far Away Next Door". by \*Kernell, \*Parkinson.

**House Joint Resolution No. 1154** -- Memorials, Recognition - Saj Crone. by \*Kernell, \*Coley.

**Senate Joint Resolution No. 922** -- Memorials, Death - John Calvin Henry. by \*Massey, \*Yager.

Rep. Swann moved that all members voting aye on Senate Joint Resolution No. 922 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

Rep. Kernell moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 1153, which motion prevailed.

Rep. Kernell moved that the Shelby County delegation be added as co-prime sponsors on House Joint Resolution No. 1154, which motion prevailed.

Rep. Hill moved that Rep. Lundberg be added as co-prime sponsor, following Rep. Ford, on House Resolution No. 303, which motion prevailed.

Rep. Camper moved that all members voting aye on House Joint Resolution No. 1143 be added as co-prime sponsors, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Rep(s). Alexander, Butt, Holt, Hurley, Pody, Ragan and Womick.

Pursuant to **Rule No. 50**, Rep. Dunn moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

Ayes ..... 92  
Noes..... 0

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Representatives voting aye were: Alexander, Armstrong, Bass, Brooks H, Brooks K, Brown, Butt, Campbell, Camper, Carr, Casada, Cobb, Coley, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Elam, Eldridge, Evans, Faison, Favors, Fitzhugh, Floyd, Forgety, Gilmore, Gotto, Halford, Hall, Hardaway, Harrison, Hawk, Haynes, Hensley, Hill, Holt, Hurley, Johnson C, Johnson P, Jones, Keisling, Kernell, Lollar, Lundberg, Maggart, Marsh, Matheny, Matlock, McCormick, McDaniel, McDonald, McManus, Miller D, Miller L, Montgomery, Moore, Naifeh, Niceley, Parkinson, Pitts, Pody, Powers, Pruitt, Ragan, Ramsey, Rich, Richardson, Sanderson, Sargent, Sexton, Shaw, Shepard, Shipley, Sontany, Sparks, Stewart, Swann, Tidwell, Todd, Towns, Turner J, Turner M, Weaver, White, Williams K, Williams R, Windle, Wirgau, Womick, Madam Speaker Harwell -- 92

A motion to reconsider was tabled.

#### **UNFINISHED BUSINESS**

##### **MOTION TO PLACE BILL ON CALENDAR**

Rep. Pody moved that House Bill No. 3576, held on the Clerk's desk, be placed on the Regular Calendar for April 30, 2012, which motion prevailed.

#### **CLERK'S NOTE TO JOURNAL**

##### **MOTION TO RECALL BILL**

Pursuant to **Rule No. 53**, Rep. Bass gave written notice that on April 25, 2012, a motion was to be made to recall House Bills Nos. 3559 and 3560 from the Calendar and Rules Committee to the floor of the House for immediate consideration. Rep. Bass' motion was deemed not in order pursuant to **Rule No. 53** as House Bills Nos. 3559 and 3560 were not in the Calendar and Rules Committee for seven days at the time notice was given.

#### **SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 2221** Rep(s). Hardaway, White and Faison as prime sponsor(s).

**House Bill No. 2733** Rep(s). Harrison, Dennis, K. Brooks, Dean, Eldridge, Naifeh, Shaw, Coley and Matheny as prime sponsor(s).

#### **ENROLLED BILLS**

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**April 27, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 599, 667, 734, 742, 743, 844, 890, 933, 936, 988, 989, 990, 991, 992, 993, 994, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1062, 1063, 1064, 1065 and 1066; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED**  
**April 27, 2012**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 599, 667, 734, 742, 743, 844, 890, 933, 936, 988, 989, 990, 991, 992, 993, 994, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1062, 1063, 1064, 1065 and 1066.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENGROSSED BILLS**  
**April 27, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 597;

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR**  
**April 27, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 429, 2215, 2372, 2442, 2453, 2639, 2645, 2683, 2856, 2860, 2984, 2986, 3009, 3129, 3282, 3637, 3638, 3746, 3828, 3841, 3846, 3857, 3862, 3864, 3866, 3868 and 1959; with his approval.

ASHLEIGH HARB on behalf of HERBERT H. SLATERY III, Counsel to the Governor

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**REPORT OF CHIEF ENGROSSING CLERK  
April 27, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1069, 2161, 2222, 2403, 2459, 2537, 2620, 2650, 2671, 2744, 2750, 2752, 2823, 2859, 2890, 2895, 2913, 3237, 3257, 3274, 3283, 3398 and 3633; for his action.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE GOVERNOR  
April 27, 2012**

MADAM SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2286; with his approval.

HERBERT H. SLATTERY III, Counsel to the Governor

**ENGROSSED BILLS  
April 27, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Bill(s) No(s). 3604 and 3673.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**MESSAGE FROM THE SENATE  
April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 623, 713, 744, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1108, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139 and 1140; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 27, 2012**

MADAM SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2816; The Senate nonconcurred in House Amendment(s) No(s). 1 and 2

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE  
April 27, 2012**

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MADAM SPEAKER: I am directed to transmit to the House, House Bill(s) No(s). 3835; The Senate acceded to request of the House for appointment of Conference Committee: Speaker appointed the following members: McNally, Norris, Watson, Ketron, Kyle and Finney.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 27, 2012**

MADAM SPEAKER: I am directed to transmit to the House, House Bill(s) No(s). 3839; The Senate acceded to request of the House for appointment of Conference Committee: Speaker appointed the following members: McNally, Norris, Watson, Ketron, Kyle and Finney.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3836; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 991; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2114; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**  
**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2174; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2749; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2774; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3604; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3673; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**MESSAGE FROM THE SENATE**

**April 27, 2012**

MADAM SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3874, 3877, 3881 and 3882; substituted for Senate Bill(s) on same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

**ENGROSSED BILLS**

**April 27, 2012**

MADAM SPEAKER: The following bill(s) have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1150, 1151, 1152, 1153 and 1154.

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BETTY KAY FRANCIS, Chief Engrossing Clerk

**ENROLLED BILLS**

**April 27, 2012**

MADAM SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 623, 713, 744, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139 and 1140; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**SIGNED**

**April 27, 2012**

The Speaker announced that she had signed the following: House Joint Resolution(s) No(s). 623, 713, 744, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139 and 1140.

BETTY KAY FRANCIS, Chief Engrossing Clerk

**RECESS MOTION**

On motion of Rep. McCormick the House stood in recess until 7:00 p.m., Sunday, April 29, 2012.